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E S S A Y S

ON THE
TRADE, COMMERCE,
MANUFACTURES, AND FISHERIES
OF SCOTLAND;

CONTAINING,

REMARKS on the Situation of most of the SEA-PORTS;
the Number of SHIPPING employed; their TON-
NAGE:

STRICTURES on the Principal INLAND TOWNS; the
different Branches of TRADE and COMMERCE carried
on; and the various IMPROVEMENTS made in each:

HINTS and OBSERVATIONS on the CONSTITUTIONAL
POLICE; with many other Curious and Interesting
ARTICLES never yet Published:

By DAVID LOCH MERCHANT,
And GENERAL INSPECTOR of the FISHERIES in
SCOTLAND.

IN THREE VOLUMES.

VOLUME III.

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ESTABLISHED

TRADE COMPANY

MANUFACTURERS AND

OF

IRON

WORKS

AND

STEEL

WORKS



AND

GENERAL

MANUFACTURERS

OF

IRON

WORKS

AND

STEEL

WORKS

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ESSAYS

E S S A Y S
ON THE
TRADE, MANUFACTURES,
AND
FISHERIES OF SCOTLAND.

C H A P. I.

S E C T. I.

On the British Trade in general.

IN the former volumes of this work I treated of the Manufactures of Scotland.—This I mean to introduce to the public by some observations on the *Trade of Britain in general.*

Much praise is due to Sir Matthew Decker for his plan of raising the supplies, in place of the present mode:—Were his adopted, it would save to the nation annually some hundred thousands, and add 30,000 men to the state, who

are now employed in collecting, surveying, and herding the traders and smugglers. His scheme prevents smuggling. In fact, the land-holders, and people of property, in the end, pay almost all the duties of customs and excise. It would be better for them, on the whole, and much more convenient for the merchant; for, by the present way of levying the customs, he who deals to any extent in foreign trade must have a great command of money, otherwise he can import little, the duties being often double the prime cost of the goods abroad; and these duties must be paid before the goods can be seen. This throws the importer always largely in advance, and requires three stocks to carry on trade, where one would do were the duties taken off; that is, L. 1000 would carry on as much as L. 3000 will at present.

Most branches of the revenue are appropriated to pay the interest of certain loans, and it must take time to get the principals paid. But, with great submission to the wisdom of Parliament, I think the duties should be considerably lowered, particularly on French goods, which, at present, are next to a prohibition. The long enmity and jealousy betwixt the English and French have prevented intercourse in trade; it is high time to remove it: There are no people

ple more honest and easy in their dealings in commerce (the English excepted); I have dealt largely with them, and have always found them so. I have been taken their prisoner at sea; they used me with the greatest humanity and hospitality. I had the honour to correspond with the great Baron Montesquieu. As a merchant, his name adds much to the reputation of the profession. He was an honour to mankind. I had great pleasure in dealing with him. His wines were excellent, and at a moderate price. If we would open trade with the French, by reducing the duties on their wines and brandies, I am persuaded they would allow our manufactures to be imported into France, on equal terms. If this should take place, it would most effectually lower the price of corn, and all the necessities of life, and afford us good and wholesome spirits; for in all northern countries some spirits are absolutely necessary; the more moderately used, the better: but, in this cold climate I have seen the good effects of a little at a time, both by sea and land.

As we must have spirits, is it not better to get them of wholesome quality, and pay them with our manufactures, than to distill two millions of quarters of our best grain, which is the cause of keeping it always so high? if good plentiful,

tiful crops happen, the exporting corn is of much greater consequence to the kingdom than making it into spirits.

An objection may be made, that the revenue of excise and customs will suffer. I think not; for, if the duties are low, there will be no smuggling; the importation of wines and brandy would be immense. Were it one fourth of what the French wine duty is at present, and one third of what the brandy excise is, the revenue would draw double of what it now does, and answer every purpose for which these duties were laid on. Did these measures take place, our navigation would be greatly extended. The Dutch and Swedes are at present the greatest carriers of wine, brandy, oil, &c. from the south of France to Havre de Grace, Dunkirk, and all the ports in the channel.

I had several ships employed from and to the ports here mentioned, and cleared money on them. But I paid five livres to the state for each ton the ship measured. If these livres were taken of, as they certainly would if we had our tariff of trade settled, the British would get the whole of these freights; and a very great object it is. The preference is always given to our ships over the Mediterranean; the reason is obvious,

AND FISHERIES OF SCOTLAND. 5

vious; we lose fewer, in proportion to our number employed, than any nation in the world; and besides, our sailors are more honest. In all my practice (and I have freighted some hundreds of ships), I never had a package broke up, nor a cask broached or pierced, or any sort of embezzlement on my cargoes, when on board British vessels. Other nations are not so free of this vice. Our sailors are undoubtedly the most honest-hearted, open, friendly fellows in Europe, and despise a mean action, either at sea or on shore. Such a trade would increase their numbers, who are the great bulwarks of the nation.

POSTLETHWAITE says, the coasting and foreign trade to London *alone* employs 100,000 seamen in time of peace. Suppose them to be only 75,000; and the navy 25,000 seamen in time of peace. All the rest of our coasting and foreign trade, in the whole of the ports of Great Britain and Ireland, may amount to 130,000. These numbers are formidable, and the more so, as you can have a great part of them on board your fleets, upon an emergency. Your homeward coasting trade being so extensive, enabled this nation, now so happily connected and unanimous in their operations, to equip a fleet in four months, superior to what France and Spain could do in two years.

It is astonishing so wise a nation as France quarrelled with you at these times: They ought to have known the difference now from what it was half a century ago; the last war convinced them of the truth of this. They must consider how many brave hardy sailors and soldiers go from this country, to fight, conquer, or die with their brethren the English; instead of being, as formerly, so imprudent and impolitic as to take side with the French, upon all occasions, against England. This makes a mighty difference in the balance of war. And I hope we shall never be on other terms with the English nation than we are at present, and were all last war. In this situation, no power in Europe can have ministers of so little penetration, as not to see the consequence of making war with a brave and united kingdom. Contracted as the space is which Great Britain and Ireland occupy in the ocean, yet we have three ports to one more than all France and Spain. This is our great nursery for seamen.

Last war, you had 100,000 men on board his Majesty's fleets and privateers, to cruise against your enemies. At that very time you had 8000 merchant ships carrying on the trade of Great Britain and Ireland, who rode in safety, and triumphant in every quarter of the globe. What must

AND FISHERIES OF SCOTLAND. 7

must foreigners think of this nation, that could carry on such extensive commerce, take every place they attempted, and destroy every fleet of the enemy they met with? Will they be foolishly rash in making war with that nation?

I can foresee another objection will be started, as to the rum from our plantations and West-India islands. Why not let their rum be imported at brandy-duty, or a trifle under? tho' they deserve but little favour from the mother-country; they are disobedient children. One thing I well know, that, if they can get goods at St Eustatia, Surinam, or any of the free ports in the West-Indies, on equal terms, or a trifle lower, they will never take ours. This country, therefore, should take measures for their own preservation, to keep their provisions and necessaries of life at moderate prices, so as to carry on our manufactures, and find a market for them, independent of these wrong-headed people. This step, among others, would bring great advantages, and humble the pride and haughtiness of the Americans, who have thrown themselves into the arms of France, destructive to the interests of both nations.

I have before said, the princes of Europe are too wise to embark in such Don Quixote schemes

as

as they have formerly done, against so powerful a nation. I again say, that if we could settle proper conditions and articles with France, and trade with them as we do with the ungrateful Portuguese, it would profit both nations, and keep the balance of Europe in their own hands; sure I am we would increase our wealth and health more by this than all the continental connections we have.

Times are greatly changed, and the rivetted antipathy the English had to that nation should be forgotten, as the Scotch have done with the English. We heartily despise the illiberal, indecent reflections thrown out by the disappointed patriots, well knowing, that the English look on us as their brethren, and would risque their lives and fortunes for us, as we have done for them; and we will be always ready to do so, on every occasion, when called for by King and Parliament. We love freedom and liberty, and enjoy it more than these flaming dissatisfied patriots, whose great aim is to get into places and power, and then we should be under fine management; but we have an old saying in this country, *Better keep well as make well.*

I beg leave also to suggest, that, were the legislature to abolish all officers fees at the water-side,

side, and give the land and coast-waiters more salary, it would be serving the revenue, and assisting the fair trader. The fees, &c. paid at the water-side are a great encouragement to the unfair trader, and a great loss to the merchant, who is not; nay, that practice makes the officer insult the man who imports fairly, and he cannot get such dispatch as the other does who pays high fees.

It is to be hoped, at any rate, that all fees, within and without doors, will be taken off the Wool, and all materials wanted for that manufacture. At present they are very high on Wool and Woolen goods going coast-ways, and the officers very troublesome. It will be of much consequence to trade, if some regulations take place as to these fees, and the officers be ordered to do their duty without fee or reward, and to give all dispatch at legal hours. Upon the whole, the revenue will never be honestly dealt with, nor the merchant well served, while these officers have the disposal of favours, and the public money at their pleasure, and yet take such liberties as are most shameful; as the merchant must pay, or put up with the abuse to which these people will oblige him to submit.

I have

I have already noticed, that most of the towns and villages in Scotland are extremely well situated for carrying on Trade and Manufactures, but none more so than those in East Lothian, particularly the Woollen branch ; it being a populous healthy country, having plenty of corn and wool, while water and coals can be had at small expence.

There is one village, however, which I cannot omit mentioning here, as it was not fully treated of under any of my former Sections. The place I mean is Linton by Linton Bridge. The situation of this village is really beautiful, and might be made, at no great expence, a seaport, capable of receiving vessels from 50 to 80 tons. Two small locks would enable ships of these burdens to come up to Linton Bridge, and lighters and such craft could navigate to Haddington, the center of the country. How great an advantage this would be to the proprietors of the lands, to the farmers, and all ranks of people, must at first sight be obvious. It would lessen the price of carriage of their corns, manufactures, and all kinds of produce, which they have occasion to carry to market, and have the same effect upon the coal, lime, or any other goods or materials, which are necessary to be brought into the middle of that rich country.

country. This water communication would likewise save the roads, by keeping many heavy carriages off them, and would tend greatly to reduce the number of horses, which are found to be very burdensome, as well to the Gentleman as the Farmer.

Whether this useful work should be undertaken at the expence of the proprietors of the lands in the environs, who would, in that case, be entitled to all the benefits resulting from it, or by the public, who might be reimbursed by laying a small tax on the ton of each vessel employed in that trade, does not belong to me to determine. One thing is very certain, that were such a plan executed, it could not fail of being very serviceable to that part of the country; nor do I imagine it would require any extraordinary exertion of public spirit to accomplish it.

The Land-holders at the mouth of the Water of Tyne might likewise add largely to their estates, were they to bank their grounds on the sea-shore, as our allies the Dutch do. They have still more sea to encounter with, and deeper water, where they have added many thousand acres of rich ground to their country, with nothing else than *fluke* and *rice*. These materials,

rials, the people of this country have at hand; the Hollanders have to bring them from places at many miles distance. The branches of the trees, brush-wood, and such refuse as comes from Tynningham forest, would do the business, and many hundred acres might be filled up in a few years with good soil fit for pasture or tillage. When a proper fence of stake and rice is once fixed, it is surprising how soon it fills up at the back. Every storm from the sea throws over abundance of such materials as feeds and firms it, and soon renders it solid ground. The salts with which these sea weeds or ware abound, keep the ground in good heart for many years, and add much real wealth to the proprietor and the country.

An acquisition of this kind could not fail of affording great pleasure to those who carried such a scheme into execution, as they thereby not only would have the merit of adding so many acres to their own property, which formerly was of no use to the country, but likewise might induce others, equally well situated for such purposes, to follow their example.

Many people may not be acquainted with what the Dutch call *stake* and *rice*; it will be proper here to explain it. The *stake*, therefore,

is large pieces of trees, which they drive into the earth, at some distance from each other. The *rice* is a kind of twigs which they weave about the *stake*, and make a sort of net of the whole. This fence has been found by experience a greater preservative from the encroachments of the sea than even bulwarks of stone. The former yielding to the pressure of the water, and receiving through the interstices different kinds of sea-ware and rubbish, becomes a strong and solid wall; while the latter, not giving way to such impulse, nor receiving any additional strength from the sea, is often carried away by its violence.

These undertakings, at the same time that they would be productive of riches to the proprietor and the country, would give employment to many industrious people. They also enjoy the same advantages with the fisheries; for every foot of ground thus taken in, as well as every fish caught, is a real and substantial acquisition, purchased at no expence whatever, but that of labour.

Having said so much on improvements in general, I must now beg leave to offer a few observations on the attention which has been

by some individuals to the advancement of this desirable object.

The author of *Queries by a Man of Quality* very justly celebrates the conduct of several English ladies, married to noblemen of this country, for the public spirit they have discovered in giving encouragement to the manufactures of that country which gave birth to their husbands; nor, indeed, can they be sufficiently applauded. Many ladies of our own country are blessed with the same spirit and benevolent dispositions; and I flatter myself, from such bright examples, their numbers will daily encrease. Out of numbers that might be mentioned, I shall only take notice of one Lady of quality, worthy of imitation, whose residence is near the royal palace of Holyrood-house. This Lady has a great deal of merit in raising upon her Lord's estate an excellent breed of sheep, of the fine-wooled kind, as well as all other sorts of cattle, though in a very indifferent part of the country. This Lady has also variety of woolen, linen, damask, &c. manufactured under her own inspection, of excellent qualities.

In the same manner, many Ladies might be mentioned, worthy of imitation; but in this,

as in the former instance, I shall confine myself to one, as a pattern to others who would wish to promote the real interests of their country. The lady I mean is spouse to a worthy citizen in an eastern borough of East Lothian. The greatest pleasure she enjoys is that of giving employment to a number of industrious people in her neighbourhood, in the woollen and other branches of business, and of relieving the poor by acts of benevolence and charity: nor is her husband less assiduous in the same commendable work. He gives bread to hundreds, is an honour to his profession, and a blessing to that part of the country where he resides, as well as to that part of the coast where I drew my first breath.

To multiply instances of the ladies and gentlemen who deserve to be held in the highest veneration for their public spirit, would be endless. They are daily increasing, and I hope will continue to do so, till this country be brought to that state of improvement, in every branch of manufacture, of which its situation, in many respects, renders it so highly capable.

We have had gentlemen of truly patriotic principles in former times; I hope the race are far from being extinguished. Mr M'Leod of Cad-

boll was one of those : An honour to his country, and, at the same time, so great an encourager of its manufactures, that, from his earliest years, he never wore that of any other country ; as an instance of which, I must here mention an anecdote of that gentleman : Having come to Edinburgh upon some private concerns, and standing in need of a new hat, he asked his man of business whether there were any hat-makers in Edinburgh ? To this he answered in the affirmative, and at the same time told him that a parcel should be immediately sent him, that he might take his choice of one. This offer, however, Mr M'Leod rejected, well knowing the many tricks which are practised upon such occasions, of passing off for Scots what in reality was the manufacture of England. He insisted therefore to see the hatter himself, and waited with patience till he had made one for him according to his directions. Were all our countrymen to behave in this manner, our manufacturers would be in no danger of wanting employment. Indeed, such a conduct is highly requisite at this time, when so many tricks of this nature are daily practised by many of our shop-keepers. Those, therefore, who wish to encourage the manufactures of their country, should purchase from none but such as advertise the commodities of it. One company

company in Edinburgh, and they are not the least considerable in it, have already done so. There the public may be satisfied they will be supplied with real Scots cloths, as the company are concerned with more than one manufactory in that branch. I hope they will meet with that encouragement which every promoter of the interests of their country merits.

Notwithstanding this chapter has extended to a much greater length than I at first expected, yet many things are omitted, of which I once intended to have taken notice; particularly with regard to the mines and minerals, with which this country is so abundantly stored, and from which so much riches may be expected.

Having now mentioned some particulars relative to the Trade of Scotland, I must beg leave to make a few observations on the manufacturing places in England. From the acquaintance I am honoured with, I own, I am more indebted for the following remarks, than the public could be had they been made by myself only.

MANCHESTER

Is large and populous.—Though under no formal constitution of government, in that extensive place there are only two constables; yet the people live in peace and good order.

In Eng^land the powers of constables are not clearly defined. They are allowed to take into custody, by their own authority, riotous persons or vagrants. The most respectable citizens are often ambitious to have the office; one of whom was lately thought to exceed the bounds of his power. He imprisoned an inhabitant, whose life was disorderly, but who was in no actual breach of the peace when apprehended. A prosecution was carried on against the constable at Leicester assizes. Upon trial, the judge observed, that it was too delicate a matter to determine the precise boundaries of a constable's power. He recommended an amicable accommodation. The counsel for both parties agreed. An arbitrator was chosen, who determined for the constable without costs of suit.

It is a common saying in Manchester, that *the fewer the governors, the better the government.*

ment. To its inhabitants this is truly applicable, for they have no revenue to manage. They think themselves sufficiently rewarded by serving the community with honour and integrity. The population and progress of manufactures in this great village is very surprising; in little more than twenty years their numbers have been doubled.

The manufacturing cut velvet is very curious, and is carried on to a prodigious extent. What strikes an observer most is, what is termed the *singeing of the cloth*, by which it is formed to the fine smoothness of pile: This is done by machinery, which bears the piece of cloth in rapid motion over a red hot iron cylinder, whereby all the knotty parts are reduced and consumed without hurting the fabric. The cutting the velvet is performed by a nice and sharp steel instrument which sometimes makes holes in the cloth; these and similar defects in the weaving are curiously and very perfectly mended by girls and women, who practise that business alone with the needle.

There are considerable manufactories in Manchester of twilted cotton, substantial and beautiful. In the linen and printing they are excellent, and have every proper and possible accommodation

modation for carrying on the different branches. Of late many improvements have been made in this article. The variety of blocks for printing are almost innumerable. They are elegantly cut, mostly on holly wood, some on geen-tree, and some on plane-tree. They are kept in a damp place to prevent their drying too much. They cost large sums originally, but, as fashions fluctuate, when disposed of they bring but little. Many who deal in printing and linen, pay *weekly* of duty to government no less than L. 300 : Their thread is mostly got from Ireland, the cotton from Blackburn. The prices are very low : Children's handkerchiefs are only three shillings and six-pence *per* dozen ; larger ones from thirteen to twenty shillings, which are wrought upon linen that may cost from eight-pence to a shilling *per* yard.

A good deal of silk on a cotton ground is also manufactured at Manchester.—The handkerchiefs, which are very pretty, sell from thirty to seventy shillings *per* dozen ; women's gowns at one pound five shillings and upwards the piece : Even the coarse and cheap linen handkerchiefs are remarkably smooth and well coloured. Their copper-plate machines for making those handkerchiefs are curious : Blue, green, and yellow colours cannot be done in the

the printing method,—they must be performed by the pencil.

Many complaints are made about a new regulation of the commissioners at London, which introduces a strict exaction of the duty; to some traders it makes an odds of L. 200 annually.

The manufacturers of Manchester are obliging and liberal: they possess no narrow, no jealous apprehensions of discoveries that might hurt them: they live in friendship and harmony together.

HALIFAX.

On the road from Manchester to Halifax the country appears populous, for houses are seen up to the very tops of the hills. Tho' the ground be not good, it is highly cultivated, and the land adjoining to the houses is covered with woollen cloth, tented on rows of stakes. This method of tenting the cloth might be practised for drying our linen in the course of bleaching, in place of hanging it out loosely, for then it is exposed to be torn; whereas, by the English mode, it is securely fixed, and excellently exposed both to air and sun.

It

It would be beneficial to this country, were there spirit and encouragement of industry in our clubs and county-meetings. An advertisement in the York Journal will corroborate an observation on the patriotism of the gentlemen near Halifax, and indeed of all Yorkshire: It is to be hoped the insertion of it here will not be disagreeable to the reader.

“ At a meeting of the Agriculture Society for the East Riding, at Beverley, 9th October 1776, the following premiums were offered:

“ To the cottager (not renting above five pounds a-year) whose family shall spin the greatest quantity of wool before the first day of October next, to be certified by the minister and overseers of the poor, within their respective townships, Three Guineas,—next greatest quantity, Two Guineas,—next, One Guinea.

“ To the cottager (with restriction as above) who shall from his own hives produce the greatest quantity of honey in the year 1777, Three Guineas.”

By such local premiums more may be done, and industry better encouraged at a small charge, than by large funds under the administration

stration of Trustees, who, though meaning well, cannot possibly fall upon such certain methods of preventing impositions, and distinguishing the real merit of individuals, as gentlemen, so assisted, may do within the moderate circles of their own neighbourhood.

At Halifax the same government is established as at Manchester.—The people are also quiet and industrious, having no public objects of ambition or profit to contend for. This town is supposed to contain about 10,000 inhabitants. The whole country round is peopled with manufacturers of various kinds; with weavers, wool-combers, dressers, cutters, dyers, spinners, &c. who are employed by the master-manufacturers in the town and neighbourhood.—So vastly populous is the parish of Halifax, that it is said to contain 50,000 souls.

Though the master-manufacturers have proper accommodation in their work-houses for every branch of the business, yet, *there*, very few of their workmen are employed. They have discovered, that when numbers of those people are assembled together, they are apt to combine in turbulent and seditious measures; but, when dispersed in the country, and living in their own houses with their families, they
are

are more disposed to be quiet, contented, and tractable.

The manufactures of Halifax are chiefly stuffs, or fabrics for linings, or light cloths for southern and warm countries, such as callimancoes, shalloons, camblets, naps, &c. These are of various qualities and prices, generally low. Till lately, all, or the most part of the white and undyed stuffs were sent to the London market. Now they dye all colours very well, and send large quantities of their goods directly to foreign markets,—to Italy, Spain, Portugal. The navigable canal, lately compleated from the coast of the Humber to within two miles of Halifax is of immense advantage to its trade.

The dealers dreaded the most fatal consequences from the American rebellion; but, hitherto, they have experienced no change, but for the better, the demand now exceeding any thing formerly known; but this arises chiefly from a new opening of trade to Russia, and part of Turkey.

Every hank of wool, in thread, must contain the same length, or measure of yarn, which is settled by statute; but the finer the thread is, the greater number of hanks will be got from the
the

the pound, or other quantity of wool: Sometimes, thirty two hanks are spun from one pound.—A good spinner may easily earn eight-pence a-day.

They say, that, at Halifax, the prices of spinning generally fall as winter approaches, and rise again in the spring. They have their wool mostly from Lincolnshire, Nottingham, and Leicestershire; but the greatest part from the first. It has a very long staple, commonly seven or eight, sometimes up to fifteen inches. The price very seldom exceeds ten shillings the stone.—They esteem the first fleece of a sheep to be the finest wool, and keep it apart for their best fabrics.

In the process of their manufactory, the first step is the operation of sorting the wool into three or four different qualities for the different fabrics. The next step is to wash it thoroughly with soap, for the expedition of which they have machinery; afterwards, it goes to the wool-combers, who dress it with the help of stoves lighted with charcoal,—a late improvement in place of common coals, which did not answer the purpose so well. Next, it goes to the spinners, weavers, scourers, bowlers, shearers, dyers, and, lastly, to the press. Hot or

cold presses are used, according to the qualities of different cloths, or according to the taste of the different markets. The first gives a finer and smoother appearance to the cloth; the latter is supposed to leave it with a more substantial quality, though with a rougher appearance.

At a dye-house here is an amazing dry calender, which has a pressure of one hundred tons, and is moved on a large wheel drawn round by a horse.

Here are made the best wool combs in England: An excellent pair may be bought for 1 l. 7 s.

Some years ago, a large hall for woolen manufactures was building at Halifax. It is a hundred and five feet square, with two floors, and divided into four hundred booths for keeping separately the goods of different manufacturers. This is undoubtedly a better plan than that of Leeds, where all the goods are amassed on long tables in one great hall.

It should also be mentioned, that over all this country the coal pits are inexhaustible.

It

It ought to have been remarked before that, after the wool is combed, it is put up in hard twisted bundles, stored in a particular ware-room, which is a low apartment paved with stones ; and it is found, by experience, to be the fitter to be spun, if kept in this state for three or four months.

The country between Halifax and Leeds is very fine,—all inclosed, and mostly divided into very small lots, or closes, as they are called, for the accommodation of the manufacturers, whose habitations are scattered over the whole face of the country. For several miles near the town, there is scarce an inclosure that contains one acre. The rents are vastly high,—from 4l. to 8l. the acre. Their measures of land are commonly reckoned by so many days work, as the people term it, and two days work is supposed to be equal to an acre.

L E E D S.

Great business is carried on at this place : One particular house had lately a commission from government, to the extent of 7000 l. for a coarse stuff for black spatterdashies to the soldiers abroad.

There is no material difference in the process of the woolen manufactory here from that of Halifax, nor in the manner of carrying it on by workmen dispersed over the neighbouring country; only the articles are different.

At Leeds, they deal mostly in narrow coarse cloths, from 3 s. to 12 s. *per* yard; at Halifax, they send the greatest part of their cloths, white and undyed, to London, furnishing little or nothing directly to foreign markets, till within these few years; but now they send vast quantities of cloths, compleatly finished and dyed, to all parts of the world. They have a great market every Tuesday. The master-manufacturers, to the number of many hundreds, on the market days, bring their parcels from all parts of the neighbouring country to their woolen hall.

They have fixed hours for the sale of their different goods. From nine to ten in the morning, their dyed and coloured cloths are exposed to sale; from one to two o'clock, their white and undyed are produced in a different hall. The merchants and buyers go about through the hall; they handle and examine the cloth, and there are few words to a bargain. When parties agree, the goods are sent to the merchant's

chant's house, or ware-room, where, if, upon immediate examination, he finds faults which he might not discover at first in the hall, he is at liberty to retract the bargain, and return the goods, unless, which is often the case, the parties agree upon new terms.

Much of their wool is brought from the north of England; the prices are commonly from 7 s. to 10 s. the stone. They have a fine navigable river, and plenty of coals. The land near the town is generally at the rate of 5 l. the acre. They use only the short wool, which is dressed by cards, and cannot be combed: It is said, the Shropshire wool is the finest in England. This they mix with Spanish wool to make superfines, which are manufactured here in small quantities, and which they affirm to be fully as good as the superfines manufactured in the south of England purely of Spanish wool.

Leeds is supposed to contain 6000 inhabitants. It is an incorporation, and governed by a mayor and two aldermen. There is a village called Rotherfield, about nine miles from Leeds, where is also a good hall, and weekly market on the Tuesdays. Here the cloths are generally broader, and of a finer quality than at the Leeds' market. There is not a day in

the week, Sunday excepted, without a cloth market in some one of the adjoining villages, to which the merchants resort for stores to their ware-houses, and for assortments to make up commissions from different parts of the world.

NEWCASTLE.

At this place there is one of the most considerable printing-fields in England; in 1775 the proprietors sold to the extent of 30,000 l. They have generally 6 or 7000 l. worth of goods in their ware-houses at Newcastle, but the manufactory is carried on at Carlisle. The magistrates of Carlisle have very injudiciously raised the rent of their field to an exorbitant rate, for they have obliged them to pay 60 l. for six acres. Such a foolish conduct in the magistrates has made the company purchase a field for themselves.

The greatest part of their green and white cotton cloth is bought at Blackburn; it is raised one third in the price within these six years. Though they deal in cotton cloths at low or middling prices, they manufacture none themselves: They do much in the copper-plate way. The handkerchiefs for which they have most sale, are a red ground with white spots, thirteen

AND FISHERIES OF SCOTLAND. 31

teen nails in dimension, and sell from 1 l. 3 s. to 1 l. 4 s. *per dozen*.

They have vast variety of patterns for gowns and furniture : The purple and lilyoak grounds with various flowers are the most beautiful ; there are also some light flowerings which are very pretty.

Before this company was properly established, the proprietors laboured under many difficulties ; they were greatly at a loss to find workmen sober and expert : Nay, they were obliged to bring one printer from Ireland at three half-guineas *per week*, for three years certain.

The art of mixing the colours properly is the most material part of their business, in which it is difficult to find expert hands. Now, however, they have procured plenty in this and all the other operations ; and though no less than thirty tables are employed, none of the hands receive more than ten shillings weekly, except the overseer, who is an intelligent man, and was much surprized at the perfection to which stocking coats are brought in Scotland.

At the field we are mentioning, some business is done in printing linens ; the thread is mostly brought

brought from Ireland, part from Scotland ; but it is a great pity that in Ireland the thread is best and cheapest. The linen of this company is wove and whitened at Carlisle, and it generally comes at a very low price ; from eight pence to fourteen pence the yard.

It would be needless to mention any thing relative to Birmingham, Wakefield, Sheffield, &c. the commerce carried on in those towns is known to all.—Suffice it to say, that in those places which are not concerned in political squabbles, industry and trade flourish. The inhabitants are happy ; no jealousies subsist among them, saving the jealousy of being surpassed by their neighbours in promoting the good of the community.

CHAP.

C H A P. III.

S E C T. I.

Observations on the Police of the City of Edinburgh, and Hints on the Scottish Trade to foreign parts, &c.

IN the first section of the second volume of this work, a few observations were made relative to the metropolis of Scotland. Though I meant to confine myself entirely to those strictures, which are consequential to the Trade and Manufactures of the kingdom, yet I wish to communicate every possible intelligence to its remotest inhabitants : curiosity is natural to man ; and objects which appear greatest in the eye of the community, first command attraction. Hence in a work of this nature it is not improper, but absolutely necessary, to enlarge a little in a particular description of the trade of Edinburgh.

Of the improvements which have been made within these few years, it would be
ungrateful

ungrateful not to speak ; and equally ungrateful and ungenerous not to say, that these improvements and decorations were greatly owing to the indefatigable zeal, the persevering industry, and unremitting diligence of the late Right Honourable George Drummond, Lord Provost of Edinburgh, a gentleman whose patriotism was equal to his abilities, and whose goodness of heart, if possible, exceeded both. It is not, however, my intention to enter into a geographical description ; such would tend more to perplex than instruct.—I only mean to point out what to me appear deficiencies and improprieties in the police of the city, and give a brief history of its commerce.

The first impropriety in the police seems to be the conduct of the managers of the charity workhouse. This observation, I own, is not new :—I must acknowledge I had it from a gentleman of large property, a real friend to his country, an honour to his acquaintance, and an ornament to society. About twenty years ago, he mentioned to Provost Drummond, who, as I have already said, will be long held in the highest estimation, that, were the people in the poor's house employed in picking, cleansing, spinning, and manufacturing wool to make flannels for the dead, and every other article necessary for burying, all who are interred in the church-yards of Edinburgh
and

and Leith, it not only would contribute to defray a part of the expences of the institution, but could be no tax on the inhabitants : Nay, I will venture to say, that the Good Town would, on the easiest terms, give the ground to be broke open, in order to encourage so public-spirited and charitable an undertaking.

However agreeable this proposal might be to my worthy political friend, it could not be carried into execution ; with his usual discernment, he perceived that an opposition would be raised by undertakers, upholsterers, and the deacons of crafts.

It is a just and general maxim, that private interest must yield to public good. Hence it follows, that from motives of patriotism, the tradesmen and dealers in Edinburgh, instead of throwing obstructions in the way, should lend their helping hand to bring the matter to a fair trial.

Many schemes have been proposed in order to support the Charity Work-house ; none have been adopted. A law to establish a poor's rate has been justly opposed by the inhabitants :—Yearly and voluntary collections are disagreeable to some, and troublesome to others. The plan

plan I have proposed would be of service to the whole country, for every parish would naturally adopt the same plan.—This would support the living poor by means of the dead.

In treating of a subject of this nature, several reflections occur, which, by some, may be deemed extraneous; but undoubtedly, any observations concerning the prosperity of a nation, should meet with public indulgence, and a favourable reception. The situation and beauty of the capital of a country, are of considerable advantage, for to those are owing the conflux of people to encourage trade and commerce, learning and arts, politeness and refinement. When such advantages are experienced in the chief city, the same spirit of industry and improvement will be diffused through the nation.

Of this general assertion, the city of London affords a most striking example. Upon the most superficial view, we cannot fail to remark its healthful, unconfined situation, gently shelving towards the Thames; its vicinity to that river; its proper distance from the sea; and the great facility by which it is supplied with all the necessities, and even luxuries of life.

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It is reported of James I. that he meant to borrow a large sum of money from the city of London, and, for that purpose, sent to the Lord Mayor. His Lordship hesitated, unwilling to use his interest to raise the sum. The King turned passionate, and threatened to remove the court to Cambridge, by which, said his Majesty, your citizens will be considerable losers.—“No,” replied the worthy magistrate, “we depend upon trade and navigation, and we only intreat your Majesty not to carry the Thames along with you.”

It is greatly to be lamented, that so few of our own countrymen reside in the capital. To what can this be owing? The reason is obvious:—Local prejudices, and narrow notions, inconsistent with polished manners and increasing wealth, are still obstinately retained; and to such reasons alone must it be attributed, that Edinburgh, which ought to have set the first example of industry and improvement, is the last of our trading cities that has shook off the unaccountable supineness which has so long and so fatally depressed the spirit of this nation.

Though great improvements have been made in this city of late years, owing to the spirited conduct of the deceased gentleman I have already mentioned, much still might be done. The un-

cleanliness of Edinburgh is a just and general complaint, and is the chief reason why so few strangers visit the metropolis of Scotland. As far back as the year 1698, Mr Fletcher of Salton, that most manly and spirited author, and the most patriotic gentleman Scotland ever produced, makes the following observations: "As
' the happy situation of London has been the
' principal cause of the glory and riches of Eng-
' land, so the bad situation of Edinburgh has
' been one great occasion of the poverty in
' which the greater part of the people of Scot-
' land live." It is but justice to add, his representative, if possible, surpasses his predecessor in acts of patriotism, benevolence, and charity.*

I mean not to trace the gradual advancement or decay of our trade and manufactures through the several revolutions which this kingdom has experienced; a very few observations will suffice.

The arts of peace were but little known, or at least little cultivated, till the union of the crowns of Scotland and England, in the person of James VI. Even those kingdoms and states
which

* The worthy gentleman here alluded to is since dead; and I can affirm, that the above character is perfectly just.

which have since ingrossed the trade of the world, had made inconsiderable advances. Holland had just emerged from her fens and marshes. With commerce, France was unacquainted; and, though some faint attempts were made more early in England, Elizabeth was the first who established the trade of that nation upon a solid foundation.

When distraction prevails in a country, neither leisure nor inclination allow us to improve those arts which are generally the offspring of quiet times, and of a well-ordered state. The imperfection of our government and laws, the jurisdiction and exorbitant power of our nobility, the weight of personal service, and the obligation of the military tenure upon their vassals, were, of themselves, obstructions scarce to be surmounted; but, when we add to these our continual wars with England, the dissensions among our great families, our religious quarrels, and the frequent minorities of our princes, can we be surprised, that our commerce and manufactures were but little the objects of attention? Yet, even then, our fisheries were carried on with some success, till, by the ill-judged laws* of some of our kings, they were

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* *The bill lately passed concerning fisheries*
has

meanly sacrificed to certain absurd privileges which were then granted to the importunity of the boroughs.

Few persons of any rank, in those days, frequented our towns. The manners of our peers, of our barons, and chiefs of families, were not formed to brook that equality which prevails in cities. The solitary grandeur of a country life, at their own seats, and amidst their own vassals, suited better the stateliness and pride of those petty sovereigns. Edinburgh, though perhaps it might be stiled the capital, yet, in reality, possessed none of those advantages by which a capital is usually distinguished. It was too near England to be thought perfectly secure. The seat of parliament, and of the courts of justice, were not fixed there till the union of the crowns, which took place in the beginning of the seventeenth century, when the situation of Scotland was more deplorable than ever. We had, indeed, the honour to send a king to England; but
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has included Stornaway and Stranrauer among the ports (I mentioned in the former volume) to clear out at, and the time of sailing is left at the option of the adventurers, from the 1st of August to the 1st of October.—This will prove of great national advantage.

this honour cost us dear. We remained in a strange equivocal situation, little better than that of a conquered province.—The nation was dispirited; the little trade we had languished and decayed; our great men, who had now no wars to wage, and no court to resort to, either retired sullen to the country, or, inlisting with foreign princes, vainly lavished their blood in the quarrels of strangers.

EDINBURGH, however, began now to increase, though by slow degrees. From this time, it became the seat of parliament; but even that was of little consequence: The parliament met only in summer, and continued sitting a few days, consequently the members had no inducement to bring their families to town. For many years before the restoration, the spirit of fanaticism, and the distractions of the civil war, put an entire stop to every national improvement. The restoration seemingly placed the government upon its ancient basis; but the genius of this country was still depressed, and the genius and manners of a people are not to be changed by laws alone.—Example, imitation, and an attachment to the manners of the great, will effectuate what laws can never do.

The *union of the two kingdoms*, an event equally beneficial to both nations, is the great æra from which we may justly date the revival of that spirit and activity which the *union of the crowns* had well nigh suppressed; yet the advantages of such a conjunction were not, for many years, either fully understood, or properly cultivated. The pride of an independent kingdom turned the popular current against a measure which was now become essential to our very being as a nation. Hence, the arts of industry, which prevailed in England, in this country made but a slow progress. Our manufactures were little attended to. The dependence of our tenants, the services to which they were still subject, their short leases and small stocks, conspired to prevent the improvement of our husbandry. Before the union, our foreign trade was chiefly to France, Holland, and up the Baltic. The English high duties to which we then became liable, naturally stopped the course of that trade. A trade to the American colonies was then opened, but, at first, was of little advantage, for we had no home commodities to give in exchange for what we imported from thence.

As a great change has happened in the trade of the American colonies, and as the unhappy disputes

disputes which commenced some years ago, still subsist, I shall in my next chapter touch a little upon the occasion of those differences; and I must add, that I made most of those observations at the beginning of the commotions, and transmitted them to some Noblemen high in office. How far they ought to have followed such hints, it becomes not me to say; a candid public must judge of their merit or impropriety.

After this necessary digression, I prosecute the history of the progress of our manufactures. By the treaty of Union, certain funds were expressly destined to the improvement of our trade; but the application of these funds for many years were entirely neglected. It is well known, that a certain sum was agreed to be paid to this kingdom, as an equivalent for that proportion of our revenues which were to be applied to the debts of England. Out of this equivalent, L. 2000 were destined annually for seven years, to the promoting and encouraging of our Manufactures and Fisheries.

Many salutary regulations were made, but not properly followed out; we were either negligent of our interest, or were so little accustomed to matters of this kind, that twenty years after the union elapsed before a single farthing
of

of the sums destined to the improvement of the country was either applied or made effectual. It was not till about the year 1725 that we came to have a proper sense of this unaccountable negligence : Then a better spirit began to exert itself ; but what is remarkable at that time, Edinburgh and the neighbourhood were in a total stagnation. To what then can the rapid progress of her trade be attributed, but to the many improvements and decorations posterior to the period of which we speak ?

Since the year 1746, a most surprising change has happened in this country :—Now we have not the feeble and detached efforts of a few towns, but it is the united force of the whole nation which seems at length to be exerting itself : Husbandry, manufactures, general commerce, and the increase of useful people, are become the objects of universal attention. Happy and honoured shall I think myself, if I have in the least contributed to the progress of objects of such utility and advantage.

It is astonishing to remark how many public companies have been established in this place, for the carrying on manufactures and other branches of trade since the year 1746, which before were scarcely known in Edinburgh : The British

tish Linen Company, the Rope and Sail-cloth Manufactory, the Iron and Carpenter Manufactory, the Whale-fishing Company, the Soap Work, the Gold and Silver Lace Company, the Herring-fishing Company, the Glass Manufacture, the Sugar Work, the Vitriol and other Chemical preparations at Prestonpans, Potteries, &c. and many others needless to be mentioned.

Thus much did I think necessary to speak concerning the rise and progress of the trade of the metropolis: It would perhaps have appeared with more propriety at the commencement of this work; but in essays, which are more calculated to be beneficial than to amuse, method is not so requisite.

Before I finish a narration so immediately connected with the Scots trade, I must make particular remarks on *Campvere*, and the commerce our countrymen have long carried on to and from that port, with an account of the privileges we enjoy in the Seven Provinces.

In treating on a subject of this nature, it is undoubtedly proper to give an account of the *Scots Trade in the Netherlands, and of the Staple port of Campvere*. There, different nations

tions are so connected in commerce, that they all seem to owe their birth to one soil. From such an instance, it evidently appears, that the extension of trade diffuses a spirit of liberality among mankind, and, contrary to the general received opinion, wipes away all narrowness of sentiment, and, indeed, every contracted idea.

Every one knows, that my experience in trade (however ineffectual my efforts may prove) has enabled me to make hints tending to the benefit of the Scots nation, and surely any observations on the staple port of Campvere merit public attention.

It is needless to give the staple contracts at full length ; yet as there are many who may be concerned in the renewing or prolonging of them, I only shall observe, that in the different contracts, there are few varieties from that printed in Maitland's History of Edinburgh, in the year 1749.

I must also mention, that at all times the magistrates of Campvere have done every thing in their power for the mutual interest of the contracting parties.

The

The origin of the Scots trade in the Netherlands is very uncertain ; for, the traffick at first being very inconsiderable, the transactions attending it were not committed to writing ; and as the registers of the royal boroughs only begin in the year 1552, and these of Campvere in 1612, little assistance can be got from either. Suffice it only to observe on this head, that I have in my possession a copy of a paper, allowing certain Scotsmen a liberty to trade in the Netherlands, as far back as the 1321, but only for a limited time, and subject to the legal customs, duties, and laws of the country.

The first account we have of any particular and public encouragement given to the Scots merchants to carry on trade in the low countries, is a grant by John the intrepid Duke of Burgundy, Earl of Flanders, &c. in 1407. This prince, desirous of drawing foreigners to his dominions on account of commerce, fixed on the town of Bruges in Flanders as the staple port for the Scots trade, and gave them very liberal immunities and privileges. This grant was confirmed the year after by letters patent from the burgomasters and counsellors of the city of Bruges in which the title of *Conservator* is for the first time mentioned, as an officer appointed to
superintend

superintend and secure the privileges of the Scots merchants.

This trade was, however, greatly interrupted some years after, by both countries having recourse to privateering, whereby some private adventurers were gainers, while the regular course of trade was stopped, and the proprietors of goods suffered great losses. After many depredations on both sides, peace was at last brought about in 1423, by commissioners sent from Scotland to meet with those appointed by the Earl of Holland. This happened during the absence of James I. long detained a prisoner in England, was ransomed for L.40,000, and returned to Scotland in 1424. When he had leisure to consider the state of his subjects' trade in Flanders, he was much displeased with the treatment they had met with during his absence, under his uncle's regency. The Duke of Burgundy was at pains to pacify him, and, in order to settle trade on a surer and better footing, ambassadors were sent over from Flanders. Accordingly more extensive privileges were granted to the Scots merchants, and the town of Middleburgh in Zealand was appointed the staple port for their merchandise, only for four years.

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This trade, however, was so uncertain and unsettled, that the advantages of it were again restored to the town of Bruges, and a new grant, with still larger privileges, was renewed by the Earl of Flanders. It was, for near a century, in a very fluctuating state, and the towns of Middleburgh and Campvere vied with each other which of them should make the most engaging offers to secure it to themselves.

About the 1532, the Scots merchants, meeting with little encouragement from the Dutch, resented it by distressing them in a very valuable branch of their fishing on the coast of Scotland. Accordingly, Robert Fogo of Leith, with several vessels under his command, cruised along the coasts of the Low Countries, and took many of their herring busses. The Hollanders, sensible of the bad consequences that must attend the loss of such a profitable branch of trade, threatened to make reprisals, and actually did so, by arresting all the effects belonging to the Scots merchants in their country. This step so exasperated King James, that he threatened to put an entire stop to the Dutch herring fishery on the coasts of Scotland. The States, on the other hand, applied to the emperor Charles V. to protect them in their fishing, otherwise they could not raise their promised subsidies. Negotiations

were accordingly entered on between the King and the Emperor, and a treaty was at last concluded in 1541.

Peace being restored, the Scots merchants wanted to recover their former privileges with respect to trade in the Low Countries, and as they had not been confined to any one port exclusive of another, they made enquiry what town would be most convenient, and afford them the highest encouragement. Accordingly, a meeting of the Commissioners of the boroughs was held at Edinburgh the same year, who appointed two of their number to repair to Holland, and inform themselves which of the Dutch ports would be most convenient and advantageous for establishing the Scots staple. They made an enquiry accordingly, and reported that the town of Middleburgh was the most commodious, and made the most advantageous offers. This would probably have fixed the Scots traffick there, had not the Duke of Burgundy, in order to render Campvere more flourishing by foreign trade, made still more favourable propositions to the Scots merchants, which were accepted, and the conservator was appointed to reside there.

This

This trade would doubtless have continued to flourish at Campvere, had it not been interrupted by dissensions between the Scots and the town, which were fomented by the differences between the former and the English, then at peace with the Emperor. The Scots carried their resentments to a very unwarrantable height, and seized several English vessels, which they brought, as lawful prizes, into the harbour of Campvere, and likewise plundered some ships belonging to Antwerp, which put it out of Maximilian's power to protect them. The Emperor was so exasperated at this last insult, that he ordered all the Scots ships in the harbour of Campvere to be arrested, and the sailors imprisoned. Some of these broke their confinement, and making themselves masters of an English vessel lying in the harbour, carried her to Scotland. This enraged the Emperor so much the more, that he commanded all the goods belonging to the Scots to be seized and publicly sold for the benefit of the owners of the English ship; and also published a proclamation, declaring, that the Scots should be held as public enemies throughout all the Low Countries.

After a long train of hostilities at sea on both sides, to the utter ruin of trade, and the destruction of private and public interest, a peace was at last concluded in 1550, and the ports again opened to the Scots. George Gordon, conservator of the Scots privileges, repaired to Campvere, and was allowed a yearly pension of 50 l. or 300 guilders, by the Duke Maximilian, to encourage him to use his best endeavours to bring the Scots trade to that place, one half to be paid by the Duke, and the other by the magistrates of the town. This shows that there was no staple contract then between the royal boroughs and Campvere. Their mutual commerce, however, continued pretty successful for some years, till the death of Maximilian of Burgundy, Marquis of Campvere, &c. their patron and protector, which happened in 1558.—His loss was severely felt by the Scots at Campvere, their trade and privileges being totally neglected by his successor Philip II. of Spain, who purchased that marquissate.

On this occasion, Mr Gordon, the conservator, wrote a letter to his Spanish Majesty, setting forth, in very strong terms, the hardships the Scots merchants laboured under at Campvere, and the great advantages that accrued to his subjects

subjects in that town by the extensive trade carried on by the Scots. To this it appears that Philip made no immediate answer; but, some years after, considering Campvere as his own property, and moved by the concurring representations of the conservator and magistrates of the town, he gave a new grant confirming and enlarging the Scots privileges in that place. In this grant, there is a very singular clause, viz. "That the Scots shall have their choice of a chapel in the collegiate church of said town, and a chaplain, such as it shall please the said nation, *always understanding*, that he shall be of the Catholic religion."

That the Scots should agree to the condition of having a chapel in Campvere, with a chaplain of the Roman Catholic persuasion, so late as 1558, when the reformed religion was established by law in Scotland, is somewhat extraordinary; especially, at a time when most of the boroughs, and almost all the inhabitants, had not only renounced Popery, but an act was passed, under the regency of the Earl of Murray, making it criminal to profess the Popish religion, under the most severe, and even cruel and tyrannical penalties. But the anxiety of the Scots merchants for the re-establishment of their trade in the Netherlands, on
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the one hand, made them submit to this restriction, and on the other, Philip maintained his genuine character, by which he sacrificed to his religion, not only his temporal interest, but every principle of humanity, outdoing, in furious and blind zeal, the bigotry of his own Spanish clergy.

Soon after this, the Scots trade to the Low Countries underwent a great variety of changes, on account of the wars betwixt the Dutch and the King of Spain which immediately ensued, and which obliged the Scots factors, and Mr George Hacket, their conservator, to leave Campvere, and return to Bruges in Flanders. The Prince of Orange having gained ground in Zealand, liberated that province from the tyranny it had long groaned under, and brought peace to the inhabitants. Trade, long interrupted by the civil wars, was again restored, and Campvere rendered more flourishing than ever. In the year 1578, James VI. on the one part, and the Prince of Orange on the other, proposed to fix the Scots trade to the Netherlands in that town, which brought about what may be properly called the first *staple contract* betwixt the two countries. Accordingly, this contract, consisting of seventeen articles, was amply extended, and signed by the conservator,

conservator, and two Scots commissioners, and seven of the magistrates of Campvere.

Although it was stipulated as a principal article of the contract, that all staple goods should be landed at that port, yet it was not honestly observed. The Scots factors and merchants screening themselves from the demands of their creditors, frequented Flanders, and pretended, when they were pressed to pay their debts to their correspondents in Scotland, that they were subjects to Philip II. This obtained a protection for them, the rather that they professed themselves good Catholics. The royal boroughs, upon intelligence of this, took the most effectual means to prevent the bad consequences of this practice, so detrimental to trade both at home and abroad. They accordingly, in the 1582, formed a resolution, prohibiting any person to be admitted, or suffered to use or exercise the office of factory in any of the ports of Flanders, Zealand, Holland or Brabant, by the conservator there, but such as profess the true religion of Jesus, as openly published in Scotland: And that, before their admission thereto, they shall, either by themselves, or others in their name, find sufficient caution within the borough of Edinburgh, and to the magistrates thereof, for maintaining the said true religion, and

and be answerable to all and every person with whose goods they shall be intrusted during their office of factory, and that they shall at all times be forthcoming for the same to the owners thereof whensoever required; commanding the said conservator to see this ordinance duly execute and fulfilled, with certification, if he fail, he shall be obliged to refund all damages and skaith which the persons defrauded by the said factors shall in any way sustain, and also be deprived of office of conservator without favour. This resolution had a good effect, by fixing the residence of the factors and conservator at Campvere, where courts were held by him and his assessors for many years.

In the year 1612, there was a fresh contract concluded between deputies from the Scots boroughs and the magistrates of Campvere, in the most ample and formal manner, and containing many privileges and immunities not expressed in any former grant. In virtue of this, the Scots trade in the Netherlands increased and flourished till the affairs of Great Britain were thrown into the utmost disorder by the civil war which broke out between Charles I. and his subjects in 1638. As most, if not all the merchants and factors in Campvere were of different principles from the king, both in civil and ecclesiastical

fiastical government, they the more readily became firm friends to the opposition made to his measures in Scotland. These dissensions becoming more and more furious, the opposite parties recommended themselves to the approbation of their friends abroad, foreseeing that things would be carried to such an extremity as must oblige them to apply for assistance wherever they could find it. It is therefore not surprising, that the Scots in Campvere should join with that party whose principles and measures they most approved of.

At this critical juncture, there was none more active among them in opposing the designs of the King, than one Thomas Cunningham, factor and merchant in Campvere. He was a man of wealth and credit, and, in the taste of these times, of great ingenuity. He entered with great keenness into the views of the meetings of the nobility, gentry, clergy, and burghesses, at Edinburgh, called the *Tables*, against Charles's measures, and those of his party. In order to manifest his concern for the common cause, he caused a copper-plate to be engraved, and cast off, in the manner of what mathematicians call a *magical square*, so that it might be read horizontally, perpendicularly, and diagonally, containing strictures on the state of civil
and

and religious affairs. This curious and elaborate copper-plate was called the *Thistle's Banner*; it expressed a great regard for the King, but, at the same time, the utmost detestation of Popery, Prelacy, and arbitrary power. Cunningham caused 200 copies of it to be thrown off on white fattin, and 1800 on paper, which he sent *gratis* to his friends in Scotland, and elsewhere. By this device, it required no magic to explain his principles, both of church and state; it therefore proved a good introduction to a correspondence with the managers of the *Tables* at Edinburgh, who soon found, from his being a man of great credit abroad, that he could be of great service to them. He accordingly received letters from many persons of distinction, wherein they appointed him their agent and confidant. This engaged him to advance upon commission for his Scots correspondents, on his own credit, and that of his friends in Zealand, sums of money to a prodigious amount. Of these commissions, and other incidents, he kept a very distinct account from the year 1640 to 1650, which he called a *Quotidian Journal*.

The first who suffered on this occasion by the merchants and factors at Campvere for his indifference to what was reckoned the common
cause,

cause, was Sir Patrick Drummond, then conservator. The royal boroughs of Scotland found great fault with him for neglecting the duties of his office, and accordingly, by letters to Cunningham, he was suspended and discharged from uplifting the dues and pensions from the town of Campvere in July 1641; and a few months after, he met with a still greater mortification from the committee of the estates of parliament, by a sentence of deprivation and deposition. In this sentence, many heavy articles of complaint and accusation were preferred against him, and, as he did not compear altho' summoned, he was deposed in his absence. The year following, Cunningham was appointed conservator in his room by the royal boroughs; but the King, who doubtless knew the secret motives of their resentment against Sir Patrick, would not ratify the commission. Cunningham neglected no means to accomplish his end. He applied to his friend Sir David Cunningham, who procured a letter of warm recommendation signed by some of the leading Scots Lords in his favour, to his Majesty: Sir David was introduced to the King at York by the Prince Palatine, and William Murray of the bed-chamber, with a commission ready drawn; but he met with a very indifferent reception. The King asked him who advised him to present

sent such a signature in favours of Cunningham? Sir David honestly answered, That it was the Scots commissioners at London, with the Prince Palatine and Mr Murray. The King replied, "That the Prince was a fool, and Murray a knave, for that Cunningham had done such services to his enemies against him, that he would sooner give the place to the *devil* than to him."

This disappointment, however, did not deter Cunningham from applying himself, with diligence and assiduity, in serving his friends and correspondents in Scotland, in whose views he keenly engaged. He was intrusted with their commissions, and to give them uncommon proofs of his wishing well to their cause, he sent them over, upon his own credit, no less than ten thousand stand of arms; nor did he neglect to support the Protestants in Ireland, then in a most deplorable situation, where he run the greatest risk of never being reimbursed. The committee of estates in Scotland were so sensible of his zeal to serve them, and that they could depend on his fidelity, that they empowered him and John Houston merchant in London, to borrow, on their credit, two hundred thousand pounds Sterling, at common interest, at that time no less than 6 *per cent*.

Cunningham's

Cunningham's services to the common cause were not only acceptable to the estates of parliament, but were highly approved of by the assembly of the church. At this time, clergy and laity were equally employed in pulling down and building up. The resolutions of the General Assembly confirmed and supported the views of those who were chiefly concerned in the opposition to the King and court party. At this time, viz. in 1643, the Assembly met at Edinburgh, and received the minister of the Scots church at Campvere as a member, and, for the first time, brought the said church under their discipline and government, which has continued ever since, with few interruptions. The Assembly had passed an act the year before, inviting the minister of Campvere, and a ruling elder, to attend a meeting of the said General Assembly at St Andrew's, at which time they would be inrolled in the books as members; but this did not take place till the year after, when the Rev. Mr William Spang, minister of the Scots church at Campvere, appeared personally. His stipend was paid at this time by an order of the royal boroughs, amounting to 1200 guilders yearly, and 100 guilders to the reader. Spang and his congregation continued their zeal for strengthening the cause they had espoused, and, as a proof of it, they, with great

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formality, subscribed the *Solemn League and Covenant*, then looked upon as the most unequivocal test of their affection to the Presbyterian, and hearty opposition to the Prelatic government of the church, and the measures taken by the King and his adherents for establishing the latter. This covenant was publicly subscribed at Campvere, 29th May 1644.

Cunningham, and his friends at Campvere, abated nothing of their ready assistance to the states of Scotland, which their pressing necessities and demands required. At this time, John Lord Maitland, afterwards Duke of Lauderdale, became a hearty friend to him, and, at his solicitation, joined to the favourable opinion of many persons of distinction, he was made agent for Scotland in the Netherlands. The instructions relating to this office were accompanied with a promise from the estates to make him conservator. This commission he soon after received, with an act of parliament in his favour; but the differences between the Scots and the King were then arisen to such a height, that this act rendered Cunningham a still greater object of his displeasure. So far was his Majesty from ratifying his commission, that he wrote to the States-general, complaining of the parliament's taking such an impertinent step,

step. and recommending Sir Patrick Drummond, the bearer of the letter; but their High Mightinesses excused themselves from meddling in the matter. Drummond looking upon Cunningham not only as his rival, but as his implacable enemy, challenged him to decide their quarrel by a duel, which he declined as unchristian and illegal, and applied to the States-general for their protection against his adversary, in which he succeeded; not only so, but by the good offices of his friends in Scotland, he at length obtained, in ample form, a commission from the parliament, under the great seal, as conservator and agent, with power to uplift money upon the public credit. Although he had already furnished his Scots correspondents with immense sums, he still continued to serve them with his ordinary activity. He had advanced before the 1647 no less than L. 670,635 : 7 : 11 Sterling; a prodigious sum, considering the high value of money upwards of a hundred and thirty years ago. But while he was venturing his credit, and employing his interest to answer their demands, another party, which then prevailed, made him feel the effects of their resentment against him, and, to his great mortification, the commission of agency was recalled. He was indeed allowed an annual pension of 5500 merks; but this, he said, was far

below the yearly profits he made as a merchant; a proof that his business must have been very great.

Charles II. was no stranger to Cunningham's character; and though he met with a very indifferent reception when he went to pay his compliments to him at the Hague, he was still supported by the good offices of his friends among the royal boroughs, whereby his commission and annual salary were restored, and at last they had the influence to make the King look upon him with a more favourable eye. What contributed greatly to this was the advance of 50,000 guilders by the Scots merchants in Campvere, which was a very seasonable supply to Charles, in consequence of which, the King not only confirmed his commission, but also created him a knight. This honour he enjoyed, together with his office, till his death in 1655.

During Cuninghams time, the Scots trade at Campvere was more considerable, and flourished more than at any other period either before or since. After his death, there was no conservator appointed till after the restoration, when King Charles granted a commission to Sir William Davison, Bart. and one of his Majesty's
most

most Hon. Privy Chamber. He is there appointed conservator of the privileges of the Scots merchants in the Netherlands, and his Majesty's resident for all the affairs of that kingdom in the Seven Provinces. He was soon after made knight of Nova Scotia, and king's agent for the affairs of England and Ireland. Sir William, sensible of so many honours conferred upon him, became extremely vain of his power. His agency for English and Irish affairs obliged him to reside sometimes at Amsterdam: while in that city he brought himself under a most disagreeable predicament, by refusing to pay, with the other inhabitants, two *per cent*. upon his effects; and though he endeavoured to excuse himself, by virtue of the king's commission, so little regard was paid to it, that he was threatened, upon longer delay, with unhinging the door of his house. He made great complaints, but to no purpose. He had brought over with him such principles both of church and state, as were extremely opposite to the sentiments of the Scots merchants and factors. On this a misunderstanding ensued between him and them, which was fomented by his imprudent measures: He became indifferent as to the exercise of his office, and at length formed a resolution of depriving the Scots merchants at Campvere of the benefit of their staple trade:

there altogether. This soon occasioned a very remarkable change in the staple port: He resolved to remove it from Zealand to a place where he might meet with more encouragement and respect, and accordingly agreed to offers made him from Dort in Holland. He ingratiated himself with the De Witts, then the ruling members of the republic, who exerted themselves in this affair, as a measure that must bring both honour and advantage to that town. He likewise prevailed on the royal boroughs to send deputies, with proper commissions to London, and wrote to the secretary of state to procure the King's permission to conclude a contract with the town of Dort. In answer to this letter, he received very ample powers to remove the staple from Campvere to that city. A very full contract was accordingly extended, consisting of no less than fifty articles, being the most comprehensive of any ever made either before or since. In this contract, a church is allowed according to the service established by law in Scotland, which was then Episcopacy. Considering the temper of these times, this disobliged the Scots merchants and factors in Zealand, and prevented their removing and settling in Dort, notwithstanding an order from the commissioners of the royal boroughs to carry all staple goods.

goods to that town, under the penalty of 20 per cent.

Davison was so mortified in all his attempts, that he resigned all his offices in two years after; and war being declared against the Republic, the Scots trade to the Netherlands was totally suspended for some time. When public affairs were again settled, the royal boroughs took measures to re-establish the staple trade at Campvere. This measure was much promoted by the Prince of Orange, now proclaimed Stadtholder, who agreed to a contract for twenty-one years, which was ratified in 1676. But the trade was much interrupted by a dispute which arose between the Scots merchants and the conservator, Sir James Kennedy, who wanted to introduce a Roman Catholic minister into the Scots church. This they vigorously opposed, and, without regard to him, made choice of a clergyman of their own persuasion, whom they established as their pastor. He was the first minister of the Scots church at Campvere who was admitted a member of the presbytery of Edinburgh, as also of the synod of Lothian and Tweeddale, which is continued to this day.

Sir

Sir James dying about the Revolution, Sir Andrew Kennedy of Clofburn, Bart. was chosen conservator. As he was a gentleman of a very different stamp from his predecessor, both as to religion and politics, the staple, under his administration, recovered very considerably for several years. The former contract being to expire in 1697, Sir Andrew was commissioned by the boroughs to renew it for twenty-one years more. It was accordingly concluded at the Hague in December that year, by commissioners from King William as Marquis of Campvere, and deputies from the magistrates of that town, as contractors on the one part, and by Sir Andrew, as representing the royal boroughs, on the other part. It was soon after ratified by William as King of Scotland, and by the states of Zealand as sovereigns of the province. This contract laboured under many disadvantages, owing to differences between the factory and the magistrates of Campvere. What augmented these differences, and prevented due attention being given to the general good, was, that Sir Alexander Cumin of Coulter had surreptitiously got a gift of the office of conservator from Queen Anne. This involved Sir Andrew Kennedy, who had his commission for life, in a tedious and expensive law-suit with him, which in a few years almost destroyed the staple trade,

and

and reduced it to nothing. The contract, was, however, renewed in 1718, the year on which it was to expire, by Mr Andrew Kennedy, appointed conservator in place of his father, who was dead some time before.

In the year 1725, the States-general made a new regulation as to the importation and exportation of goods, greatly reducing the duties, which made the exemptions at the staple port of little consideration. On this occasion, the Scots merchants at Rotterdam failed not to represent, that the privileges at Campvere were of no service to the Scots trade : This, in the mean time, had a very bad effect. Mr Andrew Kennedy being dead, the royal boroughs appointed Archibald Macaulay, Esq; to succeed him as conservator in 1727. He found the staple port only frequented by a few ships from Aberdeen with their manufactures, and little known to the rest of Scotland ; but, by a close attention to the duties of his office, and by cultivating an intimate friendship, not only with the factors, but with the magistrates of Campvere, he greatly increased the Scots staple trade. As the contract was to expire in 1739, the Rotterdamers formed schemes to prevent the renewal of it ; but the royal boroughs being timely advised of it, in 1736 commissioned
Mr

Mr Macaulay, Lord Conservator, to negotiate a prolongation of it with the magistrates of Campvere. This he did with such expedition, that before the schemes of the Rotterdammers could take effect, a contract of prolongation for twenty-one years was concluded, with several amplifications of great consequence to the trade.

During the war of 1744, the staple trade suffered considerably for want of convoys; and the rebellion breaking out in 1745, the men of war were necessarily employed in either guarding the coast, or preventing the communication of the enemy with their friends in Scotland. At this critical juncture, the Dutch fleet and an English squadron were found necessary to cover the province of Zealand; but as soon as an armed vessel could be spared from that service, a frigate was appointed by the Prince of Orange, then High Admiral, to convoy the Scots ships then at Campvere, and to bring back the trade from Scotland. Had the war continued, a regular convoy of sufficient force would have been granted by his Serene Highness, on an application from the conservator or his depute. In 1748, the royal boroughs, taking into consideration the great obligations the lovers of liberty owed to the princes of the illustrious

illustrious house of Orange, and particularly that they, in a great measure, were obliged to the interposition and vigorous measures of the then Prince for the blessings of peace being again restored to them; they therefore resolved to send deputies of their number to compliment his Serene Highness on his promotion to the high dignities of his family; and for that purpose, they appointed the Right Hon. George Drummond (formerly mentioned), then Lord Provost of Edinburgh, and the Lord Conservator, Archibald Macaulay, afterwards Lord Provost, as their commissioners. They were at the same time charged with a commission to negotiate a prolongation of the staple contract, and to procure the Prince's ratification of it, as Marquis of Campvere. Their Lordships were received at Campvere with every mark of friendship and respect, and deputies from the magistracy were appointed to attend them to the Hague. They were accordingly received most graciously by his Serene Highness, and acquitted themselves with becoming dignity. The Prince gave them the strongest assurances of his great regard for the royal boroughs of Scotland, and the attention he would pay to whatever concerned their interest. They had, during their stay at the Hague, distinguishing honours conferred on them by their Serene Highnesses, where a pro-
longation

longation of the staple contract for twenty-one years, after the expiry of the then current one, was concluded in a few days. The town of Rotterdam took the alarm as usual, and strove, by all the influence they could use, to prevail on the Prince not to ratify it. But his Highness gave a fresh proof of the sincerity of his professions, by signing the ratification in the most ample form. In the 1749, the commissioners having reported to the general convention of royal boroughs the success of their negotiation, orders were given to publish the several contracts then subsisting, which was accordingly put in execution.—From perusing these, such as are fond of antiquities will observe, that the Scots staple factory is the most antient settlement of the kind now existing in the world; and such as are pleased with distinguishing honours being conferred on their country, will find that the Scots privileges in the Netherlands are the most honourable and most advantageous that perhaps were ever granted by one nation to another, and ought to be carefully preserved and handed down to the latest posterity.

As many of my readers will be at a loss to understand what is meant by *Staple Goods*, I shall, for their satisfaction, give them the following list of articles, being those enumerated in the contract

contract 1748, viz. Wool, woollen and linen yarn, hides and skins of all sorts, plaiding and kerseys, Scots cloths, stockings, salmon, tallow, oil, barrelled flesh, pork and butter, leather dressed and undressed, lead and lead-ore. A ship carrying staple goods is privileged to enter the port of Campvere without paying *Last Gilt*, (that is, last money), or is toll and custom free, which every other ship pays to the States of Holland, being a very considerable port charge, equal to L. 8 Sterling on every hundred ton the vessel measures. The importers are, besides, free of excise or imposts on wine, beer and salt, and enjoy many other ample privileges and immunities. The Lord Conservator has an exclusive power of exercising jurisdiction in all cases, civil and criminal, over the persons and goods of those who belong to the Scots staple, and also over all those of the Scots nation residing in the town of Campvere, whose determination is final and without appeal. The conservator's court consists of himself or his deputy, and a jury of four persons, who are men of sense and integrity, and who understand trade. But if any differences shall arise betwixt any of the Scots and an inhabitant of that town, the former must apply to the Lord Conservator, and the latter to the magistrates, who shall name

three arbitrators to cognosce and determine the cause, whose decreet-arbitral shall also be final.

Having dwelt so long on the subject and description of the staple trade, on account of the valuable advantages which, under proper management, the trading part of Scotland might derive from it, I shall only beg leave to explain the word *staple*, which is little understood. Some derive it from the Dutch or Anglo-Saxon, in which it means a market, as by that language the stakes or poles used to support tents or booths in public fairs are called *staples*. In Low Dutch it means goods lying in heaps to be sold, whence twenty pieces of large silver coin are to this day called a *staple*: But, from whatever language it has been deduced, it means at present "certain commodities or mercantile goods, the product or manufacture of particular countries, under specified regulations of export and import agreed upon between different nations, states, or common-wealths." This is the genuine and true explanation of the word *staple*.

I shall now take my leave of this subject, after suggesting to the members of the royal boroughs, that as the last staple contract is very near expiring, they ought to exert themselves strenuously

strenuously to obtain a renewal of it, and at their next meeting, which is fast approaching, unanimously resolve to appoint a proper person as a commissioner to repair to Campvere, and, along with the Lord Conservator, to wait on the magistrates of that city, and procure a prolongation of it in the most ample manner, with all the amplifications which they can point out.

I am sorry to be informed, that a memorial was presented to the royal boroughs on this subject as far back as the 1774, by a gentleman extremely conversant in trade, and who had a commission from the magistrates of the staple port for that purpose: An answer, I am told, was ordered to be drawn out, but no commissioner was appointed to deliver it, or to treat with the said magistrates; so that it has ever since been either overlooked, or totally neglected. This is an oversight which may have very bad consequences, if longer delayed, and may prove extremely detrimental to a most valuable branch of Scots commerce, perhaps the most advantageous it is presently possessed of.—On the renewal of the contract, I must beg leave to point out a very essential circumstance: As the articles mentioned as staple goods, comprehended in the former contract, did not exclude any other new branches of Scots manufacture fit for exportation that might be set on foot; so due care ought

to be taken in the proposals for this renewal, to enumerate all such articles as, by our late improvements, we have been able to bring to any tolerable degree of perfection. These, if added to the former, will render the advantages accruing from this contract more extensive than ever, and will probably be cheerfully accepted of by the magistrates of Campvere. Among several new articles, the principal branches of the Carron work manufactory ought to be a capital ingredient, such as cannon, carronades, &c. These, when exported free of custom and tonnage to Zealand, would produce great profits both to the company and to the merchant.— Another article that might be proposed, but the acceptance of which is more doubtful, is Scots coal. The reason of this dubiety is the jealousy which prevails among all the towns of the Netherlands with respect to trade. Therefore, if the importation of this article was appropriated to Campvere,—Flushing, Middleburgh, and the neighbouring sea-ports would take the alarm, and probably commence a quarrel with the town of Campvere. This, therefore, must be very cautiously introduced as a staple article, and, by prudent management, gradually improved.

I have now given a pretty full account of the origin, nature, extent and advantages of the
staple

staple contract, which has subsisted for some hundred years between the royal boroughs of Scotland and the different sea-port towns in the Netherlands, but which has been, for many years, very happily confined to Campvere. I have enlarged the more upon this, that it is so little known, and still less understood by our commercial people : But, upon perusing it attentively, every man conversant in trade will readily discover the very great advantages which must redound to the Scots commerce by an assiduous cultivation of it ; and I shall only conclude, with recommending to the Royal Boroughs, to take the renewal of the contract under their most early and serious consideration, and to render it as extensive as possible, by obtaining the approbation of the magistrates of Campvere, to include in it every new branch of Scots manufacture fit for that market, as a staple commodity.

C H A P. IV.

S E C T. I.

On the great National Advantages which must arise from the Completion of the Canal betwixt the Friths of Forth and Clyde; with a short Description of the Canal, and the construction of Vessels proper for that Navigation.

AS the promoting of commerce is the principal intention of making canals, it is natural to expect, that their frequency in any nation should bear some proportion to the trade carried on in it, provided the situation of the country will admit of them. The present state of England and Scotland confirms this observation. Though the Romans made a canal between the Tyne, a little below Peterborough, and the Witham, three miles below Lincoln, which is now almost entirely filled up, yet it is not long since canals were revived in England. They are now, however, become very numerous, particularly in the counties of York, Lincoln, and Cheshire. Most of the counties betwixt the mouth of the Thames and the

the Bristol channel are connected together, either by natural or artificial navigations; these upon the Thames and Isis reaching within about 20 miles of those upon the Severn. The Duke of Bridgewater's canal in Cheshire runs 27 miles on a perfect level; but at Barton it is carried by a very high aqueduct bridge over the Irwell, a navigable river; so that it is common for vessels to be passing at the same time, both under and above the bridge. It is likewise cut some miles thro' the hills, where the Duke's coal-mines are wrought.

The inland navigation betwixt the rivers Forth and Clyde is the greatest national object, and of the most public utility of any improvement hitherto attempted in this, or perhaps in any other country. The numerous and substantial advantages that must result from it to the three kingdoms, are yet but in embryo, and can be very imperfectly discovered. These two Friths, containing safe and deep inlets for shipping, are so far navigable inland from the east to the west sides of the island, as to leave only a small distance between them. This singular situation was particularly remarked, seventeen hundred years ago, by the Roman historian Tacitus, who says, "that the heads of the two Friths were separated only by a narrow neck

neck of land, and that the natives, when pushed beyond that, were driven, as it were, into another island." Since commerce and improvements became objects of policy in states, and since the construction of artificial canals by *Locks* was discovered, there is perhaps no country in Europe, where, in a like situation, proper inland navigation would not have been made at the public expence.

A communication betwixt the Forth and Clyde, by a navigable canal, was projected as far back as the year 1722, which, on a survey, was reported to be practicable; but the poverty of Scotland, and the unhappy circumstance of its distant removal from the seats of legislature and government, lulled the design asleep. No further notice was taken of it till 1761, when the Right Hon. Francis Lord Napier, at his own expence, employed Mr Mackell to make a survey, plan, and estimate thereof on a very small scale, only capable of carrying lighters or barges of 10 or 12 tons burden. In 1763, this great object was revived by the Convention of the Royal Boroughs, seconded by the Trustees for manufactures, fisheries, &c. when Mr John Smeaton, engineer, was employed to make a survey, plan, and estimate of a canal of five feet deep of water. The expence

pence of this was estimated at 78,970 l. and the plan and estimate were approved of by his Majesty. Hopes were then conceived that a free navigation betwixt the seas would soon take place; but fresh changes in administration, always destructive of national improvements, prevented its execution. In 1766, Mr Mackell was again employed to make a new survey, plan, and estimate of the above-mentioned canal. On his report, a number of the most respectable merchants in Glasgow joined in the subscription for it, which was soon filled up. Application had also been made to parliament, for empowering the subscribers to put the plan in execution; but when the bill was on the brink of being passed, opposition was made to it by the merchants on the east coast, on account of the smallness of the scale, being only 24 feet medium breadth, by 4 feet depth of water. Upon this, the bill was dropt. It would, indeed, have answered the purposes of the Glasgow merchants, but would have been of little, or almost no advantage to those along the Frith of Forth, or the east coast of Scotland.

In 1768, a number of public spirited noblemen and gentlemen, both Scots and English, applied to parliament, and obtained an act, empowering them
to

to make the navigation seven feet deep from Carron mouth in the Forth, to Dalmuir burn in the Frith of Clyde, and to levy 2 d. *per ton per mile*, on all goods or vessels passing through it, with some few exceptions. A new subscription was accordingly set on foot, the sum of which amounted to 150,000 l. The estimate, on the new scale, was 147,337 l. No plan of this kind was ever entered into with more disinterested views, or a prospect of less pecuniary advantage. The proprietors engaged themselves, "that if ever they were in a condition to divide above 10 *per cent. per annum*, the rate of tolls should be lowered in proportion to that surplus."

Mr Smeaton being appointed principal engineer, and Mr Mackell resident engineer, the work was begun in June 1768; but with some deviation from the original plan, as to its origin and course. It begins at Grangeburn foot, near the mouth of Carron, where they have a very good harbour, called Green Brae, for large ships, there being 18 feet of water at the Sea-lock, and, at very high stream tides, 21 feet. It then proceeds westward three miles, till it comes abreast with the town of Falkirk, the ground rising so gradually, that there are only six locks in that space; though, in the 4th
mile,

mile, which cost about 18,000 l. there are no less than 10 locks, and a very fine aqueduct bridge, under which the great road leading from Edinburgh, by Falkirk, to Glasgow and Stirling passes. From the 4th mile, or 16th lock, to the east end of Dollater-bog, is six miles, and, in that space, there are only 4 locks and 7 aqueduct bridges, two of which are considerable, besides small tunnels. At the east end of Dollater-bog, or ten mile stone, is the 20th lock placed, which begins the canal of partition on the summit betwixt the east and west sea, and which canal of partition continues no less than 18 miles on a level, passing by the south side of Kirkintulloch, and terminates at Hamilton-hill, about a measured mile from Glasgow.

The carrying the canal through the Kerse below Falkirk was attended with little trouble in the digging, though the foundation of the six locks in that tract was very troublesome, being on a quick soft mud : The carrying it thro' Dollater-bog, a soft moss of two miles in length, was attended with more difficulty, and was two years in executing, though drained as much as possible a year before the work began, there being no depth of earth, after the water was let in, to hold down the bottom, and prevent it
from

from rising ; however, that space is now one of the solideſt parts of the whole canal. Round the point of the Stron-hill, oppoſite to Kilſyth, the canal is banked on the north ſide for a conſiderable ſpace, the ſurface of the ground being about 20 feet high, and the water in that place about 16 feet deep.

There were ſeveral places from that to Kirkintulloch to cut through free ſtone rock, a conſiderable depth ; and at Kirkintulloch the canal is carried over the water of Logie on an aqueduct bridge whoſe arch is 90 feet broad ; which arch was thrown over in three different ſtretches, of 30 feet each, having only 30 feet of a center which was ſhifted on ſmall rollers from one ſtretch to another. Though this was a thing new, and never attempted before with an arch of this ſize, yet the joinings are as fairly equal as any other part of the arch. This bridge is thought to be a very fine piece of maſonry of its kind ; on each ſide there is a very conſiderable banking over the valley in which the water runs, and which is made up with the ſoil taken out of a deep cut immediately adjoining thereto on the weſt ſide, which cut is not leſs than 250 yards long, and 42 feet deep.

About

AND FISHERIES OF SCOTLAND. 85

About two miles west of this, the canal goes for near half a mile through an open gravel, where it was thought impracticable to make it hold water, as the ground declines suddenly to the north at that place, facing the water of Kelvin; but, from the precautions taken to secure that part, after the canal was cut through, it proves remarkably firm.

About three miles west from that, the canal goes through the east verge of Postle Loch; and to the westward is cut for a considerable length through a free stone rock, gray ribs, blaes, and soil on the top, about 20 feet deep. About a mile and a half west of that, at a place called the Stocking-field, the canal turns right to the south, and terminates at Hamilton-hill, within about a mile of Glasgow, where there is a commodious basin or harbour fit to hold twenty sloops at a time. The natural situation of this basin or harbour, in point of conveniency for building ware-houses, loading and unloading goods, is acknowledged by every person who has seen it to be exceedingly commodious.

To supply this canal with water is of itself a very great work. The first supply is from a large reservoir formed a mile east of Kilsyth,

and supplied with water from three of the feeders of the river Kelvin ; which reservoir contains about 50 acres, and is upwards of 24 feet deep. The Kilsyth burn is carried into this reservoir by an expensive aqueduct of about a mile in length, and the water from the reservoir is also conducted into the canal by an aqueduct cut for that purpose. The next supply is brought by a cut made from the water of Logie, about five miles above Kirkintulloch, to carry off the spare water therefrom, and which falls into the Shirva-burn, and is carried off from that by an aqueduct of about a quarter of a mile in length. The third supply is from the lakes that discharge themselves by the Muthland-burn ; the water of which is carried off by an aqueduct of about two miles in length, cut through a hill on the south-west side of Kirkintulloch, and carried into the canal at that place. The fourth supply is from Auchinloch and Loch Grog, carried into the canal by an aqueduct of about two miles in length, cut from near the mouth of the mine which drains Auchinloch, and falls into the canal at Park-burn about a mile west of Kirkintulloch.—There are several other supplies of less consequence ; and, were more thought necessary, or should it become so when the canal is locked down to Clyde, a thing much wished

wished for, there can be very great additional supplies got at a moderate expence.

In order to repay the river Kelvin for the feeders which are taken from it into the canal, a large reservoir is formed in Kilmanan-muir, about seven miles north of Glasgow, consisting of 70 acres and one-fourth, banked up at the sluice, 22 feet deep; this is thought to be the finest artificial reservoir in Britain, and amply repays the Kelvin for any feeders that can be taken from it. The water of this reservoir is conveyed down the tract of the water of Allinder, which joins the river Kelvin above the uppermost mills built thereon, and supplies the whole in time of drought.

The surface of the water in the canal of partition on the summit betwixt the two seas, is 155 feet above the medium full sea mark. There are 20 locks on the east side, 20 feet wide by 75 feet long, about eight feet of rise of the summit; but 19 locks are sufficient on the west side, as the tide does not ebb so low in Clyde as in the Forth by about nine feet, which make in all 39 locks. There are no less than 18 draw-bridges, and 15 aqueduct-bridges of note, besides small ones and tunnels.

This navigation has been, for upwards of two years past, extended by one branch to the Stockingfield within a mile of Glasgow, so as to admit vessels drawing about seven feet of water; a very great benefit to that city, but a very partial one to the rest of the kingdom. The great original object of joining the two seas, and enabling vessels of tolerable burden to pass between them, both for foreign and coasting trade, without unloading their cargoes, remains yet unfinished, and has been stopt for several years for want of money, to the very great detriment of the trade of the three kingdoms. There remains unexecuted about six miles of the intended track, which, on account of the situation of the ground, and the great number of necessary locks and bridges, will be the most difficult and expensive of the whole. The company of proprietors have already expended near 200,000 l. and the expence of completing the whole, by continuing the canal to Dalmuirburn foot, a most proper communication with Clyde, is estimated at from 50 to 60,000 l. which the company are at present unable to raise. Application was made to parliament by the proprietors, for a gift, or loan of money at low interest, who obliged themselves to lower the toll to 1d. *per* mile on all bulky goods, but of small value, which could not afford to pay more,

more, such as coals, culm, lime, free-stone, salt, bark, unthreshed corn, hay, straw, ashes, empty casks, staves, &c. A tax on these articles of 2d. *per ton per mile*, or 5s. *per ton* for passing between the two Friths, would be equal to a prohibition; but if reduced to 1d. a-ton *per mile* on such coarse bulky goods, the advantages of this easy communication between the three kingdoms would be prodigious, especially in time of war. Neither the loan, however, nor this restriction of the toll, so far as appears, have as yet taken place.—Since the canal was extended to Glasgow, vessels from 30 to 60 tons burden have found their way up it, by which means trade has greatly increased; and I am told, that the revenue already raised amounts to no less than 6000 l. annually: But were the other capital branch finished, there is little doubt but it would rise to double that sum in time of peace, and, at least, to 15,000 l. *per annum*, in time of war.

To enumerate the immense advantages which would accrue to Ireland and England from this navigation, if rendered perfect and complete, would employ a great deal of time and paper. It is clear to the meanest capacity, that the navigation to Ireland from the east coast of Scotland must be effected, either by the

British channel, or by the Orkneys. Either of these voyages are always tedious, but both of them, during the winter months especially, extremely dangerous. Besides, in time of war, our trade to Ireland by the channel is very precarious, and much exposed to the attacks of an enemy. Nothing, therefore, could be figured more commodious than this inland communication, pointed out in a manner by Nature, and situated nearly at an equal distance from both the extremities of the island. The distance likewise between the two seas, is the shortest that could be measured from east to west; so that every natural advantage conspired to favour and promote this undertaking. By the passage through this canal, much of our coasting, and a great part of our foreign trade, would be shortened, and the insurance, both to the West Indies and North America, by the north of Ireland, greatly reduced in time of war. This circumstance alone has immensely favoured the American trade to Glasgow; but the traders on the east coast would have this additional advantage, that they could transport, by this short conveyance, not only the produce of their own fields, but the corn of the fertile counties of Northumberland, Durham, Yorkshire, &c. at one half the expence, both for freight and insurance, of what it costs at present.

sent. And as there are, even in times of plenty, constant supplies of victual wanted both in the west side of the island, and in Ireland, this article alone would prove a most profitable branch of commerce. As we would then have, in a manner, a sort of exclusive privilege in this short navigation, we might enlarge the articles of our trade to a very great extent, by supplying the west of Scotland with not only the product and manufactures of the east of England, but the merchandize commonly imported from Holland, Hamburgh, and from the Baltic, and that at a moderate rate. By the same easy channel, we could export such of these commodities as are fit for these markets to the West Indies or North America. This would open to our merchants a safe branch of trade, which our natural situation has hitherto almost debarred us from prosecuting, or, when attempted, it was always attended with such an immense expence, and such a prodigious risk, as either threatened the loss of ship and cargo, or reduced the profits to a sum very inadequate to so costly and hazardous a voyage. By this inland navigation, the sea danger would not only be avoided, but the voyage shortened by near a hundred and fifty leagues, which would not only greatly diminish the expence, but occasion a much quicker return of ship and cargo, which

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I regard as a most capital article in the line of trade.

Notwithstanding what is above said, there are many more very essential advantages that may be derived from this insular navigation. It is well known, that during the last and former war with France and Spain, the homeward bound East-Indiamen, being void of convoy, and in order to shun the hazard of meeting the enemy's ships of war by passing through the bay of Biscay, found it most prudent to take their route round the north of Ireland, and through the Pentland Frith. To ships of their bulk and value, this navigation was extremely dangerous, and though happily they did not suffer, some of them were long detained in the Orkneys by contrary winds and cross weather. They then arrived in the road of Leith, where they lay waiting convoy for some weeks. Though this was of some little advantage to the port, it was of none to the proprietors. Every precaution, however, was necessary to save such valuable cargoes. But were the canal completely finished, now that we are at war with France, our East Indiamen, in place of passing through the Pentland Frith, might come round the north of Ireland, and arrive safely in the Frith of Clyde. There they could
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unload their cargoes, and ship them on board vessels properly constructed for the canal, as well as coasting navigation, by which they might be transported without hazard to the Thames. By this conveyance, the risk of the bay of Biscay, and the channel, and the long and dangerous navigation round the north of Scotland, would be avoided. The premium of insurance saved by this safe navigation, would save to the proprietors more than ten times the sum of lockage dues, besides all the other charges attending the carriage of the cargo to London.

Many other advantages might redound to Scotland in the commercial line from this inland navigation, which my room will not admit of my particularly specifying. I shall only mention a few very obvious circumstances. The Irish carry on a very great linen trade with London, and receive the fine goods of that city in return. These, in time of war, have been often saddled with from 10 to 15 *per cent.* insurance, besides high freight round the channel. Nay, those goods have been sometimes carried over land from London to Chester; whereas, they might be transported to the Frith of Forth, and from thence by the canal, at two or three *per cent.* premium; and,
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by the same conveyance, the freight from the north of Ireland might be lowered one half.— It would also save much time and expence in transporting artillery, provisions, stores, and even troops from the one side of the island to the other ; in supplying shipping, camps, or garrisons, objects of great importance in time of war. It would increase the strength of Britain and Ireland, by rendering them more accessible and compact, and contracted, in a manner, within a narrower circle.—It would be of singular advantage to our fisheries, especially that of the herrings, the numbers of which, in former times, have been known to be much greater, both on the west and east coasts of the island, than the hands, stocks, and vessels of the adventurers were able to manage. In one particular, it must be of infinite service to this very material branch of Scots trade. By the present navigation to and from our fishing grounds on the western isles, the season has been often lost to the *bushes* who sailed from the east coast by the Orkneys; for after they had got their complement of herrings off the Lewes or Stornaway, they have been prevented from returning through the Pentland Frith, for several weeks, sometimes months, by cross or violent winds, which commonly set in there about the end of October. By this unhappy circumstance,

circumstance, they were often disappointed of a market, by arriving too late. This could be easily prevented by their entering the great canal through the Frith of Clyde, which would not only shorten their voyage, but secure an early market, especially by furnishing not only Scotland, but England, with herrings before the season of Lent, when the demand is constantly very great.

These are only a sample of the many capital advantages which the nation in general, and Scotland in particular, might reap from this great and useful work, if properly and speedily completed. At the same time, it is a mortifying consideration to every patriotic Scotsman, who is, or has been conversant in trade, when he reflects on the many obstructions which have unexpectedly retarded its progress, and which have now, in a great measure, put a total stop to it, at least for a long tract of time. Are there no public-spirited Gentlemen in this kingdom, who have souls capable of eternizing their names, and those of their descendants, by stepping forth, and supporting one of the noblest public undertakings recorded in history? Are there no Dukes of Bridgewater in Scotland? Will luxury, will gaming, will avarice, will oppression, transmit the characters of our great men

men with honour and renown to posterity? No! It will be their last wish that they may be consigned to oblivion. It is the lover of his country and the public, one who disdains the pride of life, who alone can insure a grateful remembrance of his name in the rolls of fame. That a number of such glorious souls may soon appear, and exert themselves with spirit in this great national work, is the hearty and sincere wish of the Author.

Much has been said about the English canals; but it is idle to compare the great communication between Forth and Clyde with the inland navigations of England; the objects of them are extremely different. The English navigations answer very good purposes for the accommodation of trade, manufactures, and agriculture in the several counties through which they pass, but they are all of them shallow and narrow, and fit for lighters only; they are generally from 15 to 20 feet wide, by two one-half or three and a-half feet deep, with lock-gates from 10 to 12 feet wide. But nature has rendered it impossible for any of them to answer the purpose of a general communication between the two seas, or to be navigated by vessels of considerable burden, without unloading their cargoes. There is no spot in the island
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of Britain, south of this tract, where the distance between navigable tides would measure at least four or five times that of ours, the length of which would increase the toll beyond bearing. Besides the perpendicular height of the ground in most places would be double; nor is there any such safe communication with the sea in the whole island.

I have already observed, that the great canal navigation is seven one-half feet deep, and about 65 wide; and that the locks are 75 feet long, and their gates 20 feet wide. It is therefore clear, that this lockage navigation cannot be carried on but by vessels properly built and rigged for the purpose. Ships of considerable burden may be constructed, drawing only seven one-half feet water; and as most vessels draw a great deal more water in the stern than the bow part of the ship, by trimming them on an even keel, a practice constantly observed by shipping in shallow bar harbours, much less depth of water is necessary. Ships passing this canal ought to be built on the same plan with those employed in trade by the Dutch, Hamburgers, and Dantzickers, and almost all who frequent the Baltic, that is, long and flat bottomed. Many advantages, besides passing the canal, might result from thus modelling our vessels. I

have had foreign built ships in employ of 130 tons burden, which did not draw above seven feet water, and have seen thousands on the same model trading from Holland, Hamburgh, Lubec, and all the parts of the Baltic,—to France, Spain, and other ports. The reason why large merchantmen cannot pass the canal is very obvious: The masts, yards and rigging of such ships take so much wind-hold, that when the wind blows right down the canal, which we call a fair wind, the vessel fetches so much way, that it is impossible to stop her, so that she comes against the flood-gates, beats them to pieces, and damages herself. If the wind blows a-head of her, it takes an amazing force to keep her in motion, and, if the gale is strong, she cannot proceed, as she has no sea room for tacking. Again, if the wind blows across the canal, the vessel falls on her lee-side, bulges or crushes herself, and beats down the locks, or damages the banks of the canal. These are facts well known to every seaman who understands his profession.

All vessels or lighters proper for passing large canals, should be fitted out and rigged with one mast, either as a sloop or galliot. The reason is, that as they have no yards aloft, they can take no wind-hold, so that they can easily pass the canal,

nal, when a square-rigged ship could not attempt it. It is certain, that ships of 130 tons burden can be built to pass a smooth water navigation, which all lockage navigation must be. At the same time, vessels of this construction are fit to carry on any branch of trade, either with Great Britain, or any port in Europe, with as little danger as those built in the present mode. I remember that most of the ships built at Leith to carry 90 tons burden drew 11 feet water. The builders did not consider that the bottom bore the burden, and therefore they made them showy on the upper works. They have now seen the folly of that practice; and there are ships at present in the London trade which will carry 130 tons, and yet draw only eight feet water, and a very small alteration on this model would bring them to seven feet.

C H A P. IV.

S E C T. II.

On the great Advantage that would accrue to the West Highlands from the making a Navigable Canal through the Peninsula of Cantire.

AFTER having given a pretty distinct account of the great advantages which must result to Scotland in particular from the great canal, with a direction for constructing vessels fit for that navigation, I shall now take notice of a late plan for a most valuable improvement of our inland trade, and most essentially connected with the former. The great distance between the Highlands and islands, and the civilized parts of Scotland, with the difficult access by land across the country, are the chief, if not the sole causes of the long unpolished and rude state of the inhabitants. Every body knows, that they are inaccessible by land from the east coast for any purpose of trade or improvement. The communication from the Frith of Forth by the Orkneys, is not only 200 leagues distant from Fort William, which may be reckoned the center of
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their country, but is quite impracticable in winter ; and, on the west side, they are almost cut off from the Frith of Clyde, by the long and dangerous navigation round Cantire. The north-west side of that frith is formed by the peninsula of Cantire, which stretches about 80 miles south-west from the main land of Argyle towards Ireland, and St. George's Channel. This long and dangerous navigation, which requires different winds, cuts off, in a great degree, the communication of the Highlands and islands with Clyde, at least renders it both dangerous and tedious. Nature, however, has here again suggested the means of an easy artificial navigation through this peninsula. One may be made from Loch Crinan to Loch Gilp, where the distance between the tides is only five miles over flat land : At some distance to the south-west, are other two lochs, called Tarbet, which run so far inland as to leave only one mile between the tides ; so that a navigable cut might be made here with few locks, as the ground is so flat, that the natives, in old times, used to haul their small vessels, called Birlings, across it.

Were either or both of these short canals finished, the Highlands and islands would be brought 150 miles nearer Glasgow, and, at least, 300 miles nearer Edinburgh, and the

south-east coast of Britain. This easy communication would have an amazing influence, by uniting the distant parts of the Highlands with the civilized country, and by promoting fisheries, manufactures, and, in general, industry among the most remote inhabitants.—A very accurate survey of the ground fit for these two canals has been made by Mr Watt, a man of great abilities and knowledge in his profession, with an estimate of the expence. The Crinan canal is supposed to require nine locks, and that of Tarbet, though only one mile between tides, no less than four. Every body knows, that the expence attending the construction of locks is by far the highest, and the most troublesome operation in inland navigation. No lock of 20 feet wide and 72 feet long, can be made under 1000*l.* or upwards. Mr Watt's estimate of both canals is indeed charged to the full extent, but, if undertaken with spirit, might probably be executed at a considerably less expence. He calculates the expence of the depth of water from seven to ten, or even twelve feet, which last greatly augments the charge, at the same time that such a depth would hurt, in place of favouring the navigation. Such a weight of water as ten or twelve feet would, in high winds, of itself, force down the banks. These squalls are very common

mon in that country, and in no place more than where furrounded with hills, and where the water, having a large surface, would break down mud-banks, or any resisting ground but rock. Were the canal, therefore, to be made 12 feet deep, I maintain, that it would be next to impossible to keep it up; nor can I see that any national advantage could be reaped from such enlarged navigation. Locks cannot be carried beyond a certain line: Nature has forbid it; and the quantity of water fit to supply the locks of a 12 feet canal is almost incredible, besides the immense waste occasioned by evaporation, leakage, &c. As the Forth and Clyde canal is only 7 feet deep, many of the craft which pass through it would have occasion to follow the tract of the Crinan or Tarbet canals; to what purpose then make these deeper, were it not to accommodate the Clyde navigation only, which is far from being a national object. I am, therefore, clearly of opinion, that to attempt lockage navigation beyond the depth of seven feet, or to navigate these additional canals with vessels of a different construction from those I have pointed out as proper for the Grand Canal, is contrary to every idea of sensible seamanship.

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I have already said, that the dangerous navigation round the Mull of Cantire is so well known to navigators, from Clyde to the Western Highlands, as to point out the utility, I may say the necessity of the proposed canal through that peninsula : The advantage of it must be obvious to every person who casts his eye over a map of Scotland. There they will observe, that the Mull of Cantire stretches many leagues south by west of the entry to or from the Frith of Clyde ; by this the vessels bound for the north islands are subjected to a long and dangerous circumnavigation before they can arrive at their destined station, or even shape their course to it : Whereas, were a cut of seven feet deep made between Loch Gilp and Loch Crinan, they would have a very short and easy passage along Loch Fine, through the sounds of Jura and Mull, to all the fishing grounds, whether for herring, or cod and ling, between the isle of Sky and the Lewes, and when loaded might return by the same short and safe tract. All the herring buffes belonging to the east coast, in place of going round the Orkneys to the west fishing, might, by passing through the grand canal, pursue the same course, and return home with a great saving of time, expence and hazard.—The proposed cut to Loch Tarbet, though estimated at a much less expence, does
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not seem so favourable to this navigation as that to Loch Crinan ; because Loch Tarbet, which forms what is called the peninsula of Cantire, is so much interlarded with shoals and islands, and divided near the middle by a neck of land, that it would cost a great deal of trouble and expence to render the passage safe and easy. Besides, a communication between Lochs Gilp and Crinan would be, though more distant, most safe and convenient, as these lie naturally much nearer the fishing grounds ; and small vessels taking this course from or to Clyde would find ready shelter in any season, and even in the most boisterous weather.

On the whole, I cannot enumerate the singular advantages that would arise to Scotland in general, and to the inhabitants of the West Highlands in particular, from a well executed cut through this peninsula. By this the Highlanders, who have been too long separated from the civilized parts of the empire by their remote situation, would be drawn nearer the line : By this means they would soon be habituated to a familiar intercourse with the people in the commercial and polished places of the island, which would make a very great alteration in their manners. They would then be furnished with the means of employment and subsistence at home,

home, by finding a ready market for their fish, or other productions of their country, either in Clyde, or by the grand canal on the east coast. This would prevent emigrations, which some years ago were very numerous, and for which, in their then destitute condition, they could not be blamed. They would also prove an excellent nursery for our navy, as their situation among islands, and on bays of the sea, and their constant practice of fishing, must habituate them to navigation. In a word, the improvement of this large tract of country, and of the adjacent sea, would produce more permanent wealth and strength to this kingdom, and for a trifling expence, than any plan of colonization, or of new discoveries that have been projected and attempted at an immense expence this century past. I shall only add, that these two navigations, when properly completed, with a moderate toll, will in one year do more to answer the purposes of civilizing and improving the Highlands and Islands than the rents of the forfeited estates, as hitherto applied, will do in twenty.

CHAP.

C H A P. V.

S E C T. I.

*Some Observations on the Trade with Ireland,
and on the Irish Manufactures.*

THE trading part of the Irish are a very active and honest people. I have often dealt with them to a considerable extent, and found them always cautious in their bargains, but pretty punctual in their payments. Their better sort of manufacturers are a most industrious and ingenious set of men, who have strung every nerve to improve all the branches of their manufactures, and to invent new ones of an uncommon and engaging cast. They have long laboured under very severe oppressions, with respect to trade, from British acts of parliament. Most of their manufactures, linen excepted, have been prohibited and seizable at all the British ports; so that, in fact, their grievances are much heavier than those of the Americans, which have cost this kingdom such an immense waste of blood and treasure. Their complaints

complaints have hitherto been disregarded; and though some great and patriotic men have lately stepped forth in their behalf, and proposed to address the Sovereign "that he would be pleased to take into his gracious consideration, the distressed and impoverished state of the loyal and well-deserving people of Ireland, and to direct an account to be laid before parliament of such particulars relative to the trade and manufactures of that kingdom, as may enable them to pursue effectual methods for promoting the common strength, wealth, and commerce of his Majesty's subjects," nothing to alleviate their sufferings has yet been done. This address, after great altercation, was at last agreed to in the House of Peers, but I am sorry to say, that no methods of redress have been determined on this session of parliament.

The present distressed situation of the Irish is, by a great Peer's account of it*, most alarming. Their manufacturers and workmen starving in the streets, or subsisting on charity; their revenues decreasing on account of their trade being ruined; and their civil and military establishments incapable of being provided for, but by running deep in debt. Their hardships have arisen to such a height, that associations have

* *The Marquis of Rockingham.*

have been formed all over the country, to cut off all commercial intercourse with Great Britain; and several counties and capital towns have come to a positive resolution, not to receive any of the merchandize of Manchester, Norwich, or the other manufacturing towns in England. These manufacturers, on the other hand, were alarmed lest the Irish should be indulged with an allowance to import the raw materials, paying less duty for them than the English; by which means they would be able to undersell them, and thereby ruin the trade of these towns: This made them use their interest to oppose every attempt to afford the poor Irish any mode of relief; it is hoped, however, that the liberal intentions of the address will have their due effect. Though the grievances under which they laboured were well known to the ministry, and though petitions and remonstrances were presented, couched in very loyal terms, but replete with warm representations of their sufferings, they were still overlooked; nor should it be wondered at, that, if their complaints continued to be totally neglected, either France or America should offer these distressed people the relief which they have long in vain implored from Britain. Rather than starve at home, their manufacturers are well entitled to emigrate, notwithstanding the prohibition and penal-

ty announced in a late proclamation. No man can be bound by any human law to stay in a country where he must starve, or where the absolute necessities of life are denied him. And it is highly probable, that the apprehension of their emigration to America, where they could introduce and bring to perfection many branches of manufacture which the Americans are in absolute want of, but of which they are totally ignorant, has been one inducement for the ministry to suggest and to publish the above mentioned proclamation. But to drop this subject,

I have long thought of the many difficulties that the Irish, as well as the Scots, had to establish the linen manufacture. They both struggled hard to make it a staple; but in that light it has afforded little profit to Scotland. The Irish indeed have some advantages over us; but still the linen branch is but a bare bone to pick, though it must be allowed they have brought it to a very great degree of perfection, chiefly owing to the rich companies engaged in it. We have the liberty to manufacture our own wool, and to send it abroad to any market we please. The honest Irish have not the same liberty, and are much cramped in many other branches of their trade. The most of the woollen manufactures they fabricate are either smuggled to Scotland

AND FISHERIES OF SCOTLAND. III

Scotland or the west of England, or are sent to France; and in return, from the last they smuggle back wine and brandy, which they can afford to sell very cheap. The prohibition, therefore, of exporting their woollens to Britain, is the greatest encouragement for smuggling that could be contrived. The English have wisely made wool and the woollen manufacture their great staple; but they have carried it too far, by attempting to monopolize it, and consequently taking too high profits, by which they have lost much of their export trade. The French and Dutch are supplied, in a great measure, by wool smuggled at no small risk and expence from England and Ireland (for, to my certain knowledge, they have had none from Scotland these thirty years past); yet they manufacture that wool, carry it to foreign markets, and even undersell the English. Would it not therefore be common sense and sound policy, and more for the interest of the three kingdoms, to work up and manufacture all our own wool, and, after cloathing ourselves, export our cloths to all the countries of the world. By this rule industry and wealth would be promoted, our tradesmen would live happily, and population would increase.

A very sensible English gentleman, versant in the woolen trade, with whom I had the good fortune of a long conversation some years ago on this subject, was pleased to say, that I had pointed out the great line of commerce. Says he, "let Great Britain purchase all the wool raised in Ireland, all the woolen yarn spun there, and let us pay the good people the average price that they have drawn these twenty years past from the French and Dutch; then we shall secure a kind of monopoly in that branch, and a valuable one it would be. Let the Irish appropriate the whole of the linen manufacture to themselves, except what we must use for our own consumpt, and let us enlarge, in a reasonable degree, their liberty in trade, and that would do for us all." A very judicious observation!

I have been always of opinion, that the Irish have been by far too much restricted in their trade. Would we have them to let their wool rot? Would we neither allow them to export it, nor the goods made of it, nor purchase it from them? Ridiculous idea! It is a severe, but too just a reflection, that the people in the west of England, as well as of Scotland, are so selfish, so illiberal, and so contracted in their principles as to trade, that they
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are afraid lest the industrious Irish should earn two dinners for their one. Away with such disgraceful notions! Trade ought to be equally open to all the inhabitants of the three kingdoms. This would produce unanimity among ourselves, and sound policy as to national interest. It would support and aggrandise the state, and enable us easily to man our navy and recruit our army. On this account, it is my hearty wish, that the gentlemen in administration would lose no time in taking the miserable state of Ireland into consideration, and in granting those distressed people an ample redress of all their grievances, by passing an act for a general, free, and open trade, and for allowing them to sell their manufactures and produce at any port in Great Britain, and wherever they can find a ready market, on paying a small duty.

C H A P. VI.

S E C T. I.

*Cursory Observations on different Articles of
Trade and Navigation.*

Of Oak Plank.

MUCH has been said and wrote of the English oak being the best in the world for ship-building. Some time ago, the Scots oak, and that of some other countries which I have seen, were equally good; but there is no oak plank in any country I know (and I have dealt considerably in that article, as well as been largely concerned in ship building), equal to what is imported from Dantzick. It is the growth of Poland, which is brought down the Vistula; and there is not a ship of force built in England without a part of this plank being employed, especially where long shiftings are necessary. I have often had plank from these parts 48 feet long, 9 inches thick, and 13 broad, quite straight, without a knot or rent from end to end. There are few or any trees in the three kingdoms, from which plank of these dimensions can be cut out:

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There are many ship-loads of such, from 3 to 9 inches thick, imported yearly from Dantzick to the King's yards, and to those of the merchant ship-builders. Without them, our navy would be very improperly built, and very insufficiently repaired. For myself, I never allowed any other plank to be put in any vessel I was concerned in, either for building or repairing. I have thought proper to take notice of this article, as most of my readers will have little knowledge of it.

Advantages of well-cured Mutton Hams, especially for Exportation.

AFTER enlarging so much on the many advantages that would arise to this country, and to the proprietors of sheep farms, by improving the breed and increasing the number of our sheep, I omitted one remarkable circumstance, which did not then occur to me, and for which I acknowledge myself indebted to a worthy acquaintance. Some time ago, I had a long conversation with a gentleman of great property in Scotland, much esteemed for his knowledge and sagacity. He observed, that were my plan followed for increasing the number of our sheep to so great a degree, it would glut the markets, and

and lessen the value of the carcase. I formerly had said, that the Danes victualled their navy and merchant-men with salted mutton from Iceland, the most northerly settlement in Europe. This I know by experience; but could we afford mutton of size enough for this purpose, the demand for our hams, if properly cured, would be extraordinary. A worthy friend of mine, Bailie Daniel Millar, merchant in Canongate, on whose veracity I can depend, told me, that if he could get Scots mutton of a proper size and weight, that is, from 12 to 16 *lib. per quarter*, he could cure it in such a manner, that it would keep perfectly sound, even in long voyages, for at least twelve, fifteen, or even eighteen months. In England, they have no notion of curing any kind of meat by way of hams, but bacon. These are not so agreeable provisions for many of our Scots sailors; but good mutton ham is always well relished, both at sea and land. Mr Millar has extended this branch considerably. He has cured near a thousand pounds worth a-year for some years past, most of them for exportation, and would still increase it, could he procure the proper mutton. The quality he recommends is small boned, well grown sheep, weighing as above; this breed could be easily had, both in the north of England and south of Scotland; and
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if duly improved, he and I are of opinion, that many thousand pounds might be gained annually to Scotland by this new natural branch of trade, which we might make our own.—The demand for this article to all our settlements abroad is very great, and even to some foreign parts, and every shilling got by it is real profit to the country, increases our national stock, and promotes industry. On the whole, it will be found a most beneficial trade.

SUPPLEMENT

S U P P L E M E N T

T O

E S S A Y S O N T R A D E, &c.

Of the unhappy Disputes which have for some time subsisted between Great Britain and her American Colonies : With a Proposal for quelling that Rebellion, at a small expence, and without employing Land Forces.

THE following observations were offered a short time after the commencement of the disputes, which have subsisted for several years in America : I as yet see no reason to alter my former opinion.

I think it will be no very difficult matter to show, that these wonderful advantages, which our patriots would have us believe resulted from the American trade, have centered chiefly among themselves, and that they are obliged to Great Britain entirely for trade and every other blessing they enjoy.

As facts will more effectually make this appear than all the oratory and sophistry of a Fox, a Burke, or a Barre, I beg leave to lay a few of these before the public.

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Great Britain, to encourage them to clear the country of those woods which almost totally covered America, gave a bounty, and still continues it, on all their fir and pine timber, fit for masts, yards, bowsprits, &c. of 20 s. Sterling for each ton of 40 cubic feet, customary girt measure, which is equal to 6d. every solid foot.

The bounty on their hemp and flax is no less than 6l. *per* ton.

For every barrel of tar, made in the ordinary manner, 6s. *per* barrel; each barrel to contain 31 gallons English measure.

For tar made by particular directions, 10 s. *per* barrel.

For every barrel of pitch, 2 s. 6 d. *per* barrel.

For every barrel of turpentine, 3 s. 9 d. *per* barrel.

For every pound of indigo, if but half the value of that made by the French, 6 d. *per* pound, English weight.

When we consider what great premiums these are, and how much they have contributed towards the improvement of that wild uncultivated country, I may with great truth say, that the money paid by the inhabitants of this kingdom has done the whole that has been done. After all this is allowed them, when their goods come

to market, we pay the full market price ; and I am certain, that the value of the bounties paid will almost purchase goods of the same species and quality in Russia, Sweden, Norway, and other parts of Europe, Indigo excepted ; and the bounty of 6 d. *per lib.* is a very high bounty, and a great encouragement to raise it.

Notwithstanding these bounties and encouragements, it is well known that the Americans carry on an illicit trade with the West Indies, as well as with the Dutch, French, and Spaniards: Even this does not satisfy them. They go further in cheating the Mother Country. They carry on a great smuggling trade with many ports in Europe. Those which come within my own knowledge I shall mention ; these are, Archangel, Petersburgh, Riga, Hamburgh, Amsterdam, Rotterdam, Dunkirk, &c. At times they call at some ports in Great Britain, and clear out part of their cargoes for our own plantations ; but the part that is liable to high duties is cleared for St Eustatia, or some free port in the West Indies ; by which means they deprive the revenue of these duties, while all the commodities are landed in our own settlements.

One would think, after such evasive schemes to rob the Mother Country, the Americans would

would find few, if any advocates for them in the British senate. These honourable gentlemen, however, who are fond of the name of *Patriot*, and which is very liberally bestowed upon them by the multitude in our neighbouring kingdom, with a degree of effrontery not easy to be accounted for, hold forth, that the Americans pay large sums in duties and excise to the revenue for the goods they take from us.

The best answers to these gentlemen's false and fallacious arguments, as I before hinted, are facts. Some of these I will submit to the public; from which it will appear how little the revenue is benefited by the boasted importation of the Americans from Great Britain. In this view, I must inform these gentlemen, as they seem not to have known it before, that the Americans pay no duty on any necessary or convenience of life taken from Great Britain, which we find fall very heavy upon ourselves.—I shall here enumerate such as at present occur to me.

The duties are drawn back, by the exporter, on all malt liquors and spirits made in Great Britain, as well as on the bottles which contain them—on all glass—on leather, however manufactured—on cordage made from foreign hemp—on soap, candles, salt, paper, vellum, cards,

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starch, gold and silver lace, and many other articles. — Almost the whole duties paid on foreign linen are drawn back, and bounties given on most of our home-made linen and canvasses, equal to all the duties paid on soap, pot, pearl, wood and weed ashes, made use of in bleaching and whitening the same. From this it must appear, that, as the Americans are altogether exempted from land tax, they can live at one half the expence it must cost our poor labourers, and indeed all classes of people in this country.

I am fully persuaded, that the inhabitants of the city of Edinburgh, and port of Leith, pay more duty and excise annually than all America does to the revenue of Great Britain. I can therefore see no reason that we should pay the army and navy for their protection, if they will not contribute equally. That we should be saddled with near two millions annually, to pay the interest of money borrowed on their account, to keep them from being scalped, or drove out of all their boasted free country, into the Atlantic, appears to me, and, I dare say, to every impartial inhabitant in South or North Britain, extremely hard and unjust. How can we ever expect to lessen the public debts, or get free of these taxes on salt, leather, and malt liquors, which, in a particular manner, affect the poor,
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if we are to pay the American debts as well as our own? Let them pay 25 s. annually, each individual, as we do, raise it as they please; but let this nation receive it to ease numbers of her tradesmen, manufacturers, porters, and labouring people of every denomination. The Americans have good land at six-pence *per* acre, for which our honest farmers pay at the rate of 20 s. besides the numberless taxes under which this country at present labours. The goods and manufactures we send to America are paid us in their own produce. We seldom or never get specie from them; that they employ elsewhere, to carry on their clandestine trade.

From these facts it would appear, that we are not so much indebted to the American trade as our patriots would have us believe, and their ingratitude now, in attempting at independency, must be proportionally heightened.

It has been said, that we in this country have no *merit* either in the *discovery* or *conquest* of them. It is our sister kingdom, England, which has the sole merit of both. In consequence of the Union, however, we claim an equal share with them in their trade and commerce to these settlements; and, since that

period, we have done our part to people, protect, and support them.

A great deal has been thrown out as to their charters. By what authority did they hold these charters? Did these charters defend them from the encroachments of the French and Indians, who drove them out of all the fast-holds they had in the back settlements; and would have drove the whole of them into the Atlantic, had it not been for the troops from Great Britain? I had almost said from the *Highlands of Scotland*; for they most undoubtedly conquered America, more than it was done in Germany. Lord Chatham, when he wanted to pay compliments to his own abilities as prime minister, could not help bringing those hardy and intrepid race of men to his aid. "Much, says he, neglected in the war before last, they (i. e. the *Highlanders*) had well nigh overturned the state; yet these very men, in the late war, I brought to combat on your side: They served with fidelity as they fought with valour, and conquered for you in every part of the world; and in no part were they more serviceable than in North America."

How did the North Americans behave under Braddock? The time is not so distant but most
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of us will remember, what a despicable figure they made, both in the field, and in supplying the troops, sent not only to preserve their country, but themselves from being scalped. Trusting to their support, and to save them from perdition, how many of our brave countrymen lost their lives? among others, Sir Peter Halket, an ornament to his country, and to mankind. I had the honour to be known to Sir Peter; his life was of more value than many Americans. Now, however, the time is come, when they have forgot all these most essential services done them; services that have cost this nation at least the blood of 15,000 brave men, and 20,000,000 l. of good Sterling money; yet, when parliament taxed an article of luxury or effeminacy, of no real use, I mean *Tea*, what a noise did they make? Would to God that all our taxes were laid on that destructive, insignificant article, and taken off the real necessities of life! Happy would it then be for this country! Let those who drink tea pay for it; and on condition the duties were taken off salt and leather, of which the poor pay almost the whole, I heartily wish it were at 30 s. *per* pound.

The way and manner the people in Boston took to disappoint Government of raising this duty, are indeed without precedent. No sooner

is the tea brought into port, than they make a formal attack upon it, as if it was to come into their houses, and to levy the tax of itself. Had they allowed the tea to have been landed, and suffered it to rot before they would use or purchase it, they would have acted like rational men: Or, if it was rotten before it came to hand, (as I have heard some giddy-headed people say,) why buy it, or have any thing to do with it? The East India company were not to oblige or force them to purchase their goods: But to allow a lawless banditti to commit piracy in open sun-shine, and not to endeavour, by every means, to oppose them, was acquiescing in their crime. Had I been master of the ship the tea was on board, with only ten Scots boys at my back (and I am no fighting man), each of us should have shot our man, before they had taken up the hatches, if we should have been cut to pieces in the end. A bill of lading is a sacred writing. The ship-master obliges himself to deliver his cargo, *sea hazard excepted*. As there was no war, they were pirates who presumed to touch his cargo; and as such they should have been treated by the ship-master and the inhabitants of Boston. If, therefore, the Bostonians did not use their utmost endeavours to prevent them from an open violation of the laws of every country, and to secure the persons

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of the pirates, they ought to pay all the cost of the goods, and every expence and damage incurred. Were the inhabitants of Edinburgh and Leith tamely to look on, and allow a lawless mob to go on board a ship in Leith harbour, or in the road of Leith, and suffer the cargo to be taken out and destroyed before their faces, without doing the utmost in their power to prevent it, they would, by the law, be obliged to pay the damages, and undergo a severe censure from their country and all good men.

I have been twice in America, and traded considerably to different parts of it, but not to advantage, as I could not get payments. I have, at present, several hundred pounds due me there, which I would willingly give a right to for as many hundred pence. And I verily believe, were the Americans to balance accounts with this country, all their boasted wealth and property would not discharge the just and lawful debts due by them to the inhabitants of Great Britain and Ireland.

So far back as the 31st of December 1774, I proposed the following plan for reducing the Americans to obedience: Take off the bounties given upon the importation of their goods; let them carry none to any market but to Britain, Ireland,

Ireland, and the West India Islands, our own property, and no other ; and, to prevent them from trading with the French, Spanish, or any other settlements, let them go under convoy of our men of war, and take sailing orders ; in which let the owners of the ships and cargoes be mentioned, and the bill of loading be affixed to the sailing orders ; the ships to pay all attention as under convoy in time of war, as to the signals, rendezvous, &c.

Ten frigates of 32 guns, ten ships of 20 guns, and twenty sloops of 14 guns each, will do the business, and employ our seamen and soldiers. Let each ship have only 2-3ds of her complement of sailors ; let the other 1-3d, to make up the full complement, be marines, which may be stationed thus :

Two sloops, 14 guns, at Savannah in Georgia.

Two ships, 20 guns, and two sloops, 14 each, at Charles-town, South Carolina.

Two sloops at Wilmington, Cape Fear, North Carolina.

One ship, 20 guns, one sloop, at Smert Sound, Albemarle.

Two frigates, two sloops, at Cape Henry, and Cape Charles, in Chesapeake Bay, Virginia.

One frigate, two sloops, at Maryland.

Two

Two frigates, two sloops, at Philadelphia up the Delaware.

Two frigates, two ships of 20 guns, three sloops, at Long Island and Newport.

Three frigates, five ships, 20 guns, four sloops, at Boston, and in the Massachusetts Bay, Salem, &c. Or in such manner as the Lords of the Admiralty shall think most for the good of the service, and will most surely contribute speedily to bring these ungrateful Americans to their duty, and their own good,—I had almost said, their *salvation*. Remove the whole military, except such as have been always employed in their forts and garrisons; for the money spent by the troops feeds them, and spirits them up to rebellion.

To prevent the necessity of a convoy to Great Britain, let the masters, owners, and merchants, who ship the goods, find security in double the value of ship and cargo, that they shall really and truly land them in some part of Great Britain or Ireland (sea-hazard excepted), and nowhere else, or forfeit their bond to the public; and, to relieve the bond, they should have two certificates, under the hands of the collector, comptroller, and surveyor of the port where the cargo is discharged, as to the true performance, so as they can transmit one by
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first ships, and keep the other to be brought over to America by themselves, to relieve their bond or cancel it.

Every man of property, obstructing or flying in the face of the laws made by Great Britain, should forfeit his whole estate and effects, as guilty of high treason against the state; and all merchants, and others, forfeit their goods and chattels, and their persons be sent home to the country from which they, or their forefathers, originally came; for there is not one in ten of them who was either himself, or his forefathers, born in Great Britain: They are mostly made up of German emigrants, French refugees, and convicts of all nations transported from Great Britain and Ireland, who never could get bread in their own country; yet they, forsooth, must boast what their forefathers did to support our constitution. For shame! that Britain should be deluded by such a hotch-potch medley of foreign enthusiastic madmen; who, whilst they throw dirt at the family that gave them most of their charters, praise Lord Chatham for rousing them to rebellion, and hurting the mother-country. At the same time, they rail at Lord Bute for making a peace that gave them a quiet possession of all that vast country, by getting the French to give up every place in North America to the crown.

crown of Great Britain. I was in London at the time the peace was in agitation. I had the honour of being well acquainted with Sir Henry Erskine, the Right Honourable James Oswald, and many people in authority at that period. I have often been asked, what the opinion of the merchants was. I always told them, the acquisition of all North America, upon our back settlements, was the great object. I own, my worthy friend Sir Henry Erskine foresaw things which did not, at that time, occur to me; he often said, "These people are turbulent. It would be better to leave part of Canada to the French, to keep them in a proper subordination." I have even heard some very sensible merchants on the 'Change of London say so; but by far the greatest number were for the terms which were agreed to, and a glorious peace it was.

These inflammatory letters, from the general Congress to the people of Great Britain, and to their friends and fellow-subjects at Quebec, are wrote upon the most fallacious and base principles; not a word of truth from beginning to end, except what they quote from my late most worthy correspondent, the great Baron Montesquieu. Had they a trial of his court and constitution, or the King of Prussia's, that

that Protestant hero, they would soon be brought to themselves, and to good manners. In short, these detestable letters are not conceived in the stile of merchants, by whom only they ought to have been wrote, but appear to be the productions of some banished English or Irish attorney, or limb of the law, who has emigrated himself from this country, or by some of the vermin of the clergy, who infest that deluded country and people.

I took the liberty of transmitting to Lord North a copy of this plan; and, at the same time, used the freedom of writing my opinion to his Lordship on the subject, and of offering my advice, as a private person, and a friend to the mother-country, in what manner the Americans might be brought to a sense of their duty, and allegiance to their parent state, with the least prejudice to either of the contending parties. This I did not think prudent to publish to the world at the time. Indeed, such a step would have entirely destroyed the very intention of the writer, had his Lordship adopted any part of the plan proposed, which was not the case. The outlines of my letter were,

To impress all the seamen belonging to the American vessels, from the cabin-boy to the master,

master, and to rate them on board the ships of war sent to block up their ports, at the highest wages any of them ever received when employed in the merchants' service :

To land no troops at any of the ports so blocked up ; as the money spent by the troops would enable the Americans the longer to continue their resistance, after a stop was put to their trade, and also might be productive of much bloodshed, which has already happened, and, it is much to be feared, will be greatly increased, before any accommodation takes place.

The reason why I was solicitous to have all the seamen in America impressed, was this : Though I have the highest esteem for that useful and brave set of men, yet long experience amongst them has convinced me, that they would rather do mischief than be idle. If, I might be allowed a conjecture, I could almost venture to say, that the repulse which the King's troops met with at Lexington and Bunker's Hill, was occasioned chiefly by so many honest industrious fellows being thrown out of employment. If any future skirmishes shall happen, which, it is more than probable, will be the case, I am much afraid, that these poor

destitute seamen, who might have been employed with advantage to themselves and their country, on board of the ships of war, will, as the case now stands, prove the most intrepid enemies which our troops will meet with in the field; whereas, if these seamen had been on board our ships of war, they would have had much influence in making the merchants and others come into reasonable terms. I am sensible, that the impressing of the seamen may be objected to, as being against law. But, in answer to this, it may be observed, that necessity has no law; and that it is always customary to impress seamen in the time of war.

The commencement of the Americans' intentions to throw off the allegiance of Great Britain, are not of yesterday. They did not even begin with the Stamp-act, as many people have imagined; though I will readily allow, the repeal of that act gave them a boldness which they had not formerly assumed, and led them to imagine, that Great Britain was unable to do any thing contrary to the inclinations of America.

At the same time I cannot but acknowledge, that several of the British governors appointed as viceroys of the different colonies, acted in

many cases in such a tyrannical and oppressive manner, as roused the resentment of many of the capital inhabitants, and alienated their *affections* for the mother-country. It is the duty of a governor to behave himself with the greatest candour, impartiality, and justice, and not to provoke the rage or malice of the people under his jurisdiction, by vexatious law-suits and rigorous prosecutions, without a very just and necessary cause. They are the King's vice-gerents, and ought to treat his subjects as if they were his children. Their assemblies were modelled nearly in the same manner as the British parliament, and whatever acts were agreed to by the two houses of assembly respecting the internal police and government of the province, in so far as they did not interfere with, or counter-act British acts of parliament, ought to have been assented to by the governor. Whatever regarded their connection with Britain was always to be referred to the King for his assent; yet even in the former case, the governor often thwarted the intentions of the assembly, and complained to the British ministry of their proceedings as irregular, without any solid foundation. These arbitrary measures, with a people so tenacious of liberty, provoked and irritated them so much, that they often applied to government for a removal of such gover-

nors. Among these were Eden, governor of Massachusetts Bay, and afterwards his successor Hutchinson, both of whom, by their rigorous and incautious behaviour, rendered themselves obnoxious, and at last odious to that turbulent people. This introduced among them the seeds of rebellion, which they soon disseminated through the whole Thirteen Provinces.

But to shew that they were early disposed to quarrel with their governors, of whose despotic dispositions they were very jealous, and whose attacks upon any individuals they were resolved to oppose to a man,—I shall give some extracts from a pamphlet I have been lately favoured with, published as far back as 1734, and, as I believe there are few copies of it to be found, I am persuaded it will be new and curious to my readers.

The title of the pamphlet is, *A Narrative of the Case and Trial of JOHN PETER ZENGER, Printer of the NEW YORK WEEKLY JOURNAL.* Zenger was accused by the Hon. William Cosby, Esq; then Captain-general and Governor in Chief of the Provinces of New York, New Jersey, &c. for printing and publishing in said Journal what he denominated a *libel*, containing heavy reflections upon his Excellency in particular,

particular, the Legislature in general, and upon the most considerable persons in distinguished stations in that Province, tending to sow sedition and faction, and to bring his Majesty's government into contempt, and to disturb the peace thereof.—The accusation was presented to the Hon. James De Lancey, Esq; Chief Justice, and Frederick Philips, Esq; second Justice, and their Council, and by them laid before the Grand Jury, with instructions. The Grand Jury not thinking proper to take cognizance of the matter, a message from the Council was directed to the General Assembly, desiring them to appoint a Committee of their number to meet with a Committee of the Council, to take the papers into consideration, and to confer on the subject. The two Committees met accordingly, when that of the Council, after reading the seditious papers, desired the concurrence of the Assembly, “to order them to be burnt by the common hangman, and to address the Governor to issue a proclamation, with a promise of a reward for the discovery of the authors or writers of these seditious libels, with an order for prosecuting the printer thereof; and also for ordaining the Magistrates to exert themselves in preserving the peace of the province.” The house, after several debates on the subject, ordered the papers and request to

lie on the table; but the Council seeing the Assembly would not join them in the request, prevailed on the Sheriff at the quarter sessions to issue an order for burning, by the hands of the common hangman or whipper, four numbers of the said New York Weekly Journal, and to appoint the Lord Mayor and Magistrates of the city to attend the same.

Upon reading this order, the House of Assembly forbade the entering it in their books, and declared if it was entered, their protest should be entered against it. The Sheriff then moved the quarter sessions to comply with the order; but the Aldermen offered a protest against it, intimating, "that they were only to be commanded by the King's mandatory writs, and not by an order of a Sheriff appointed by a Governor, whose mandate was authorized by no known law, so that they thought themselves under no obligation to obey it; because such obedience would open a door for arbitrary commands, which, when once opened, they knew not what dangerous consequences might attend it; therefore they protested against said order, and forbade all the members of the corporation to pay the least obedience to it." Upon this long debates ensued between the Sheriff and the Court; the former insisted that the protest should be
entered

entered in the books, to which the latter would not consent without entering the order also; but this was not thought proper or safe, and therefore it was judged best to take no notice of either. The Sheriff, however, still moved that the Court would direct their whipper to obtemperate the order; but it was answered, "that as he was the officer of the corporation, they would give no such order." Upon which, the Sheriff finding they would pay no obedience to his commands, delivered the papers to his own negro, and ordered him to put them in the fire, which he did, the Recorder only and some of the military officers attending.

The same afternoon, the Sheriff issued a warrant for apprehending and imprisoning Zenger, by virtue of which he was accordingly imprisoned in the common jail, and, for several days, denied the use of pen, ink, and paper, and the liberty of seeing any person. Soon after his commitment, his council obtained an *habeas corpus* to bring him before the chief justice, in order to his being either discharged, tried, or admitted to bail. On receiving the return, to which several exceptions were made, his counsel insisted, that he might be admitted to reasonable bail, for which they exhibited very strong reasons and authorities; and, to enable the
court

court to judge what surety was in his power to give, he made an affidavit of his debts and stock, by which it appeared, he was not worth 40 l. the materials of his trade excepted. Notwithstanding which it was ordered, that the lowest bail that would be accepted of, was himself to be bound for no less than 400 l. and his two sureties for 200 l. each, and that he should be remanded till he gave it. But as this was ten times the sum which it was in his power to give or procure, he returned again to jail.

The grand jury having found nothing against him, he was in hopes of being soon discharged; but these hopes proved vain, for the attorney-general charged him by Information before the Chief Justice De Lancey, for printing and publishing a false, scandalous, malicious, and seditious libel. To which the counsel for the prisoner offered very strong exceptions, and particularly to the commissions and authority of the judges. These, however, they were determined to maintain at all events, and so far from allowing the counsel to argue on the several articles of exception, that when they offered to be heard only upon two points, De Lancey had the effrontery to order them both, viz. James Alexander, Esq; and William Smith, attorneys at law, for their presumption in framing these exceptions,

exceptions, and for their contempt of that supreme court, to be excluded from any further practice at that bar, and their names to be struck out of the rolls as attornies of that court, and that order to be recorded in the books. Upon the exclusion of these gentlemen, Zenger was deprived of counsel, and therefore was obliged to petition the court to appoint counsel for his defence. They accordingly appointed John Chambers, Esq; who appeared and pled *not guilty* to the information; but with respect to the exceptions offered by the former counsel, he did not think it proper or safe to speak. He, however, moved, that a day might be appointed for Zenger's trial, and for a struck jury. This was accordingly ordered, and the trial to commence the ensuing term, being Monday the 4th of August.

On Tuesday the 29th of July, the court opened, and, on Mr Chambers' motion, the clerk was ordered to strike the jury; who, to the surprise of the pannel's friends, instead of producing the freeholders' book, out of which alone the jury ought to have been named, he gave a list of 48 persons, many of whom were not freeholders, and others holding commissions and offices at the governor's pleasure, and several of them displaced magistrates of the city,
supposed

supposed to entertain resentment against Zenger for what he had printed against them. Some of them were the governor's baker, taylor, shoemaker, candlemaker, joiner, &c.—Upon this discovery, the clerk was requested, either to produce the freeholders' book, and out of it to chuse 48 unexceptionable men, as usual, or that he would hear their objections to the list he offered, and put impartial men in the place of those against whom they could show just objections. Both these he absolutely refused to do. Finding that no arguments could prevail on him, Mr Chambers applied to the court, and upon his motion, it was ordered, "That the 48 should be named out of the freeholders' book, as usual, in presence of the parties, and that the clerk should hear objections to persons proposed to be of this number, and allow of such exceptions as were just." In pursuance of this order, a jury was struck to the satisfaction of both parties.

The day of trial being come, the defendant appeared; and the list of the jury being read, it appeared, that the clerk had transposed the order of the names, and had placed some of those which were originally marked last in the beginning of the list. This Mr Chambers complained of to the court, who ordered that the names
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of the jurors should be ranged in the order in which they were struck; which was accordingly done, and the jury, whose names were as follows, were called and Tworn :

Hermanus Rutgers,	Egbert van Borsom,
Stanley Holmes,	Thomas Hunt, <i>form.</i>
Edward Man,	Benjamin Hildreth,
John Bell,	Abraham Keteltas,
Samuel Weaver,	John Goelet,
Andries Marschalk,	Hercules Wendover.

The attorney-general then opened the information in the following words :

“ May it please your Honours, and you Gentlemen of the Jury,—The information now before the court, and to which the defendant Zenger has pleaded *not guilty*, is an information for printing and publishing a false, scandalous, and seditious libel, in which his excellency the Governor of this province, who is the King’s immediate representative here, is greatly and unjustly scandalized, as a person that has no regard to law nor justice; with much more, as will appear upon reading the informations. This of libelling is what has always been discouraged as a thing that tends to create differences among men, ill blood among the people, and oftentimes great bloodshed

bloodshed between the party libelling and the party libelled. 'There can be no doubt but you, Gentlemen of the Jury, will have the same ill opinion of such practices, as the judges have always shown upon such occasions: But I shall say no more at this time, until you hear the information, which is as follows:

New York, Supreme Court.

Of the term of January, in the eighth year of the reign of our Sovereign Lord King George the Second, &c.

BE it remembered, That Richard Bradley, Esq; attorney-general of our sovereign Lord the King, for the province of New-York, who for our said Lord the King, in this part, prosecutes, in his own proper person comes here into the court of our said Lord the King, and for our said Lord the King gives the court here to understand, and be informed, That John Peter Zenger, late of the city of New-York, printer, (being a seditious person, and a frequent printer and publisher of false news and seditious libels, and wickedly and maliciously devising the government of our said Lord the King of this his Majesty's province of New-York, under the administration of his Excellency
William

William Cosby, Esq; captain general and governor in chief of the said province, to traduce, scandalize, and vilify his excellency the said governor, and the ministers and officers of our said Lord the King, of and for the said province, to bring into suspicion and the ill opinion of the subjects of our said Lord the King residing within the said province), on the twenty-eighth day of January, in the seventh year of the reign of our sovereign Lord George the Second, by the grace of God of Great Britain, France and Ireland, King, defender of the faith, &c. at the city of New-York, did falsely, seditiously, and scandalously print and publish, and cause to be printed and published, a certain false, malicious, seditious, and scandalous libel, intitled, The New-York Weekly Journal, containing the freshest advices foreign and domestic; in which libel (of and concerning his excellency the said governor, and the ministers and officers of our said Lord the King of and for the said province), among other things therein contained, are these words: "Your appearance in print at last gives a pleasure to many, though most wish you had come fairly into the open field and not appeared behind retrenchments made of the supposed laws against libelling, and of what other men have said and done be-

fore ; these retrenchments, Gentlemen, may soon be shewn to you and all men to be weak, and to have neither law nor reason for their foundation, so cannot long stand you in stead : Therefore, you had much better as yet leave them, and come to what the people of this city and province (the city and province of New-York meaning) think are the points in question (to wit), They (the people of the city and province of New-York meaning) think as matters now stand, that their *liberties* and *properties* are precarious, and that *slavery* is like to be entailed on them and their posterity, if some past things be not amended, and this they collect from many past proceedings." (Meaning many of the past proceedings of his excellency the said governor, and of the ministers and officers of our said Lord the King, of and for the said province.) And the said attorney-general of our said Lord the King, for our said Lord the King, likewise gives the court here to understand and be informed, that the said John Peter Zenger afterwards (to wit) the eighth day of April, in the seventh year of the reign of our said Lord the King, at the city of New-York aforesaid, did falsely, seditiously, and scandalously print and publish, and cause to be printed and published another false, malicious,

malicious, seditious, and scandalous libel, intit-
led, *The New-York Weekly Journal*, con-
taining the freshest advices foreign and dome-
stic. In which libel, (of and concerning the go-
vernment of the said province of New-York,
and of and concerning his excellency the said
governor, and the ministers and officers of
our said Lord the King, of and for the said pro-
vince), among other things therein contained,
are these words: "One of our neighbours (one of
the inhabitants of New-Jersey meaning) being
in company, observing the strangers (some of
the inhabitants of New-York meaning) full of
complaints, endeavoured to persuade them to re-
move into Jersey; to which it was replied, that
would be leaping out of the frying-pan into the
fire; for, says he, we both are under the same
governor (his excellency the said governor
meaning), and your assembly have shewn with a
witness what is to be expected from them; one
that was then moving to Pennsylvania (mean-
ing one that was then removing from New-
York, with intent to reside at Pennsylvania), to
which place it is reported several considerable
men are removing (from New-York meaning),
expressed, in terms very moving, much concern
for the circumstances of New-York (the bad
circumstances of the province and the people of
New-York meaning), seemed to think them very

much owing to the influence that some men whom he called *Tools* had in the administration (meaning the administration of the government of the said province of New-York), said he was now going from them, and was not to be hurt by any measures they should take, but could not help having some concern for the welfare of his countrymen, and should be glad to hear that the assembly (meaning the general assembly of the province of New-York) would exert themselves as became them, by shewing that they have the interest of their country more at heart, than the gratification of any private view of any of their members, or being at all affected by the smiles or frowns of a governor (his excellency the said governor meaning), both which ought equally to be despised, when the interest of their country is at stake. You, says he, complain of the lawyers; but I think the law itself is at an end, *We* (the people of the province of New-York meaning) *see men's deeds destroyed, judges arbitrarily displaced, new courts erected, without consent of the Legislature* (within the province of New-York meaning); *by which it seems to me, trials by juries are taken away when a governor pleases* (his excellency the said governor meaning), *men of known estates denied their votes, contrary to the received practice, the best expositor of any law.*

Who

Who is then in that province (meaning the province of New-York,) that calls (can call meaning) any thing his own, or enjoys any liberty (liberty meaning) longer than those in the administration (meaning the administration of the government of the said province of New-York) will condescend to let them do it, for which reason I have left it (the province of New-York meaning), as I believe more will."

To the great disturbance of the peace of the said province of New-York; to the great scandal of our said Lord the King, of his excellency the said governor, and of all others concerned in the administration of the government of the said province, and against the peace of our sovereign Lord the King, his crown and dignity, &c. Whereupon the said attorney-general of our said Lord the King, for our said Lord the King, prays the advisement of the court here in the premisses, and the due process of the law, against him the said John Peter Zenger, in this part to be done, to answer to our said Lord the King of and in the premisses, &c.

R. BRADLEY, Attorney-general.

To this the defendant pleaded Not Guilty; and the Attorney-General undertook to prove the charge.—In defence Mr Chambers set forth very clearly the nature of a libel; the al-

fowances that ought to be made for what men
 speak and write ; that in all libels there must
 be some particular persons so clearly pointed out,
 that no doubt can remain about who is meant ;
 and that on this point Mr Attorney must fail in
 his proof,—But Mr Zenger's friends thinking
 his council too weak upon such a dangerous
 emergency, and that he might be over-ruled by
 the Court, had wrote to Mr Andrew Hamilton
 of Philadelphia, a very able attorney, and in-
 dependent of the Judges, and requested his affis-
 tance in the trial ; when he most readily appeared
 on the occasion, and distinguished himself in a very
 remarkable manner. The attorney-general con-
 cluded his speech, in which he quoted many
 authorities, in the following words : “ That he
 did not know what could be said in defence of a
 man that had so notoriously scandalized the
 governor and principal magistrates and officers
 of the government, by charging them with de-
 priving the people of their rights and liberties,
 and taking away trials by juries, and in short,
 putting an end to the law itself.—If this was
 not a libel, he said he did not know what was
 one. Such persons as will take those liberties
 with governors and magistrates, he thought
 ought to suffer for stirring up sedition and dis-
 content among the people. And concluded by
 saying, that the government had been very
 much traduced and exposed by Mr Zenger, be-
 fore

fore he was taken notice of; that at last it was the opinion of the governor and council, that he ought not to be suffered to go on to disturb the peace of the government, by publishing such libels against the governor, and the chief persons in the government; And therefore they had directed this prosecution, to put a stop to this scandalous and wicked practice of libelling and defaming his Majesty's government, and disturbing his Majesty's peace."

Mr Chambers then addressed the jury, animadverting with great strength of reason on Mr Attorney's defect of proof, That the papers in the information were *false, malicious or seditious*, which was incumbent on him to prove to the jury, and without which they could not on their oaths say that they were so as charged.

Mr Hamilton then opened, and offered many strong arguments in defence of his client, in which he was often opposed and contradicted by the attorney-general, as well as by the chief justice, who attempted to over-awe him; but instead of succumbing, he despised their menaces, and told them that he imagined they intended to erect a star-chamber in America, which would not be submitted to in that land of freedom. He said, "It was not surprizing
to

to see a subject, upon his receiving a commission from the King, to be a governor of a colony in America, immediately imagining himself to be invested with all the prerogatives belonging to the sacred person of his prince! And which is more astonishing, to see that a people can be so wild as to allow of, and acknowledge those prerogatives and exemptions, even to their own destruction! Is it so hard a matter to distinguish between the majesty of our Sovereign, and the power of a governor of the plantations? Is not this making very free with our Prince, to apply that regard, obedience and allegiance to a subject, which is due only to our Sovereign? And yet in all the cases which Mr Attorney has cited, to shew the duty and obedience we owe to the supreme magistrate, it is the King that is there meant and understood, though Mr Attorney is pleased to urge them as authorities to prove the heinousness of Mr Zenger's offence against the governor of New York. The several plantations are compared to so many large corporations, and perhaps not improperly; and can any one give an instance, that the mayor or head of a corporation ever put in a claim to the sacred rights of Majesty? Let us not (while we are pretending to pay a great regard to our Prince and his peace) make bold to transfer that allegiance to a subject which we owe to
our

our King only. What strange doctrine is it, to press every thing for law here which is so in England? I believe we should not think it a favour, at present at least, to establish this practice. In England so great a regard and reverence is had to the judges, that if any man strikes another in Westminster-Hall, while the judges are sitting, he shall lose his right hand, and forfeit his land and goods for so doing. And though the judges here claim all the powers and authorities within this government that a court of King's Bench has in England, yet I believe Mr Attorney will scarcely say, that such a punishment could be legally inflicted on a man for committing such an offence, in the presence of the judges sitting in any court within the province of New-York."

After long altercation on both sides, the Chief Justice told the jury, That they might find that Zenger had printed and published these papers (which was acknowledged), and leave it to the court to judge whether they were libellous or not; it being in the nature of a special verdict, that the jury leave the matter of law to the court.—Mr Hamilton began his speech thus:

"I know the jury may do as you have directed them; but I likewise know they may do otherwise.

otherwise. I know they have the right, beyond all dispute, to determine both the law and the fact, and where they do not doubt of the law, they ought to do so. This of leaving it to the judgment of the court, *whether the words are libellous or not*, in effect renders juries useless (to say no worse) in many cases; but this I shall have occasion to speak to by and by; and I will, with the court's leave, proceed to examine the inconveniencies that must inevitably arise from the doctrines Mr Attorney has laid down; and I observe, in support of this prosecution, he has frequently repeated the words taken from the case of *Libellus Famofus*, *Coke inst.* 3. This is indeed the leading case, and to which almost all other cases upon the subject of libels do refer; and I must insist upon saying, that according as this case seems to be understood by the court and Mr Attorney, it is not law at this day: For though I own it to be base and unworthy to scandalize any man, yet I think it is even villainous to scandalize a person of public character; and I will go so far into Mr Attorney's doctrine as to agree, that if the faults, mistakes, nay, even the vices of such a person be private and personal, and don't affect the peace of the public, or the liberty or property of our neighbour, it is unmanly and unmannerly to expose them either by word or writing.

writing. But when a ruler of a people brings his personal failings, but much more his vices, into his administration, and the people find themselves affected by them, either in their liberties or properties, that will alter the case mightily, and all the high things that are said in favour of rulers, and of dignities, and upon the side of power, will not be able to stop people's mouths when they feel themselves oppressed; I mean in a free government. It is true, in times past it was a crime to speak truth, and in that terrible court of Star-Chamber, many worthy and brave men suffered for so doing; and yet even in that court, and in those bad times, a great and good man durst say, what I hope will not be taken amiss of me to say in this place, to wit, "The practice of informations for libels is a sword in the hands of a wicked king, and an arrand coward, to cut down and destroy the innocent; the one cannot, because of his high station, and the other dares not, because of his want of courage, revenge himself in another manner."

"*Mr Attorney.* Pray Mr Hamilton, have a care what you say; don't go too far neither; I don't like those liberties.

"*Mr Hamilton.* Sure, Mr Attorney, you won't make any applications; all men agree that we
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are governed by the best of kings, and I cannot see the meaning of Mr Attorney's caution : my well known principles, and the sense I have of the blessings we enjoy under his present Majesty, makes it impossible for me to err, and, I hope, even to be suspected, in that point of duty to my King. May it please your honour, I was saying, that notwithstanding all the duty and reverence claimed by Mr Attorney to men in authority, they are not exempt from observing the rules of common justice, either in their private or public capacities ; the laws of our mother country know no exemption. It is true, men in power are harder to be come at for wrongs they do, either to a private person, or to the public, especially a governor in the plantations, where they insist upon an exemption from answering complaints of any kind in their own government. We are indeed told, and it is true, they are obliged to answer a suit in the King's courts at Westminster, for a wrong done to any person here : But do we not know how impracticable this is to most men among us, to leave their families (who depend upon their labour and care for their livelihood), and carry evidences to Britain ; and at a great, nay, a far greater expence than almost any of us are able to bear, only to prosecute a governor for an injury done here? But when the oppression
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is general, there is no remedy even that way ; no, our constitution has (blessed be God !) given us an opportunity, if not to have such wrongs redressed, yet, by our prudence and resolution, we may in a great measure prevent the committing of such wrongs, by making a governor sensible that it is his interest to be just to those under his care : for such is the sense that men in general (I mean freemen) have of common justice, that when they come to know that a chief magistrate abuses the power with which he is intrusted for the good of the people, and is attempting to turn that very power against the innocent, whether of high or low degree,—I say mankind in general seldom fail to interpose, and, as far as they can, prevent the destruction of their fellow-subjects. And has it not often been seen (and I hope it will always be seen), that when the representatives of a free people are, by just representations or remonstrances, made sensible of the sufferings of their fellow-subjects, by the abuse of power in the hands of a governor, have declared (and loudly too), that they were not obliged by any law to support a governor who goes about to destroy a province or colony, or their privileges, which by his Majesty he was appointed, and by the law he is bound, to protect and encourage. But I pray it may be considered, of what use is this mighty privilege if

every man that suffers must be silent? And if a man must be taken up as a libeller, for telling his sufferings to his neighbour? I know it may be answered, Have you not a legislature? Have you not a house of representatives to whom you may complain? And to this I answer, we have. But what then? Is an assembly to be troubled with every injury done by a governor? Or are they to hear of nothing but what those in administration will please to tell them? Or what sort of a trial must a man have? and how is he to be remedied; especially if the case were, as I have known it to happen in America in my time, that a governor who has places (I will not say pensions, for I believe they seldom give that to another which they can take to themselves) to bestow, and can or will keep the same assembly (after he has modelled them so as to get a majority of the house in his interest) for near twice seven years together? I pray, what redress is to be expected for an honest man, who makes his complaint against a governor, to an assembly who may properly enough be said to be made by the same governor against whom the complaint is made? The thing answers itself. No, it is natural, it is a privilege,—I will go farther, it is a right which all freemen claim, and are intitled to complain when they are hurt; they have a right publicly to remonstrate

strate against the abuses of power in the strongest terms, to put their neighbours upon their guard against the craft or open violence of men in authority, and to assert with courage the sense they have of the blessings of liberty, the value they put upon it, and their resolution at all hazards to preserve it, as one of the greatest blessings Heaven can bestow. And when a house of assembly composed of honest freemen sees the general bent of the people's inclinations, Such persons must and will (I'm sure they ought to) weigh with the legislature, in spite of all the craft, caressing, and cajoling, made use of by a governor, to divert them from hearkening to the voice of their country. As we all very well understand the true reason, why gentlemen take so much pains, and make such great interest to be appointed governors, so the design of their appointment is no less manifest. We know his Majesty's gracious intentions to his subjects; he desires no more than that his people in the plantations should be kept up to their duty and allegiance to the crown of Great Britain, that peace may be preserved amongst them, and justice impartially administered; that we may be governed so as to render us useful to our mother-country, by encouraging us to make and raise such commodities as may be useful to Great Britain. But will any one say,

that all, or any of these good ends are to be effected by a governor's setting his people together by the ears, and by the assistance of one part of the people to plague and plunder the other? The commission which governors bear, while they execute the powers given them, according to the intent of the royal granter, expressed in their commissions, requires and deserves very great reverence and submission; but when a governor departs from the duty enjoined him by his Sovereign, and acts as if he was less accountable than the royal hand that gave him all that power and honour which he is possessed of; this sets people upon examining and inquiring into the power, authority, and duty of such a magistrate, and to compare those with his conduct, and just as far as they find he exceeds the bounds of his authority, or falls short in doing impartial justice to the people under his administration, so far they very often, in return, come short in their duty to such a governor. For power alone will not make a man beloved; and I have heard it observed, That the man who was neither good nor wise before his being made a governor, never mended upon his preferment, but has been generally observed to be worse: For men who are not endued with wisdom and virtue can only be kept in bounds by the law; and by how much
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the farther they think themselves out of the reach of the law, by so much the more wicked and cruel men are: I wish there were no instances of the kind at this day. And wherever this happens to be the case of a governor, unhappy are the people under his administration, and, in the end, he will find himself so too; for the people will neither love him nor support him.

I make no doubt but there are those here who are zealously concerned for the success of this prosecution; and yet I hope they are not many, and even some of those, I am persuaded (when they consider what lengths such prosecutions may be carried, and how deeply the liberties of the people may be affected by such means), will not all abide by their present sentiments: I say, Not all; for the man who, from an intimacy and acquaintance with a governor, has conceived a personal regard for him, the man who has felt none of the strokes of his power, the man who believes that a governor has a regard for him, and confides in him,—it is natural for such men to wish well to the affairs of such a governor; and as they may be men of honour and generosity, must, and no doubt will, wish him success; so far as the rights and privileges of their fellow-citizens are not affected. But as men of honour, I can ap-

prehend nothing from them; they will never exceed that point. There are others who are under stronger obligations, and those are such as are in some sort engaged in support of a governor's cause, by their own, or their relations' dependence on his favour, for some post or preferment; such men have what is commonly called duty and gratitude to influence their inclinations, and oblige them to go his lengths. I know men's interests are very dear to them, and they will do much, rather than forego the favour of a governor and a livelihood at the same time; but I can with very just grounds hope, even from those men, whom I will suppose to be men of honour and conscience too, that when they see the liberty of their country is in danger, either by their concurrence, or even by their silence, they will, like Englishmen, and like themselves, freely make a sacrifice of any preferment or favour rather than be accessary to destroying the liberties of their country, and entailing slavery upon their posterity. There are indeed another set of men, of whom I have no hopes, I mean such who lay aside all other considerations, and are ready to join with power in any shape, and with any man, or sort of men, by whose means or interest they may be assisted to gratify their malice and envy against those whom they have been pleased to hate; and that for no other reason
but

but because they are men of abilities and integrity, or at least are possessed of some valuable qualities far superior to their own. But as envy is the sin of the devil, and therefore very hard, if at all, to be repented of, I will believe there are but few of this detestable and worthless sort of men, nor will their opinions or inclinations have any influence upon this trial.

But to proceed : I beg leave to insist, That the right of complaining or remonstrating is natural; and the restraint upon this natural right is the law only, and that those restraints can only extend to what is false : For as it is truth alone which can excuse or justify any man for complaining of a bad administration, I as frankly agree, that nothing ought to excuse a man who raises a false charge or accusation, even against a private person, and that no manner of allowance ought to be made to him who does so against a public magistrate. Truth ought to govern the whole affair of libels, and yet the party accused runs risk enough even then ; for if he fails of proving every tittle of what he has wrote, and to the satisfaction of the court and jury too, he may find to his cost, that when the prosecution is set on foot by men in power, it seldom wants friends to favour it. And from thence (it is said) has arisen the great diversity of opinions among judges, about what words

words were, or were not scandalous or libellous. I believe it will be granted, that there is no greater uncertainty in any part of the law than about words of scandal; it would be mispending of the court's time to mention the cases; they may be said to be numberless; and therefore the utmost care ought to be taken in following precedents; and the times when the judgments were given, which are quoted for authorities in the case of libels, are much to be regarded. I think it will be agreed, that ever since the time of the star-chamber, where the most arbitrary and destructive judgments and opinions were given that ever an Englishman heard of, at least in his own country,—I say, prosecutions for libels since the time of that arbitrary court, and until the glorious revolution, have generally been set on foot at the instance of the crown, or its ministers; and it is no small reproach to the law, that these prosecutions were too often, and too much countenanced by the judges, who held their places at pleasure (a disagreeable tenure to any officer, but a dangerous one in the case of a judge.) To say more to this point may not be proper. And yet I cannot think it unwarrantable, to shew the unhappy influence that a Sovereign has sometimes had, not only upon the judges, but even upon parliaments themselves.

It

It has already been shewn, how the judges differed in their opinions about the nature of a libel, in the case of the seven bishops. There you see three judges of one opinion, that is, of a wrong opinion, in the judgment of the best men in England, and one judge of a right opinion. How unhappy might it have been for all of us at this day, if that jury had understood the words in that information as the court did? Or if they had left it to the court to judge whether the petition of the bishops was, or was not a libel: No; they took upon them, to their immortal honour, to determine both law and fact, and to understand the petition of the bishops to be no libel, that is, to contain no falsehood nor sedition, and therefore found them not guilty. And remarkable is the case of Sir Samuel Barnardiston, who was fined 10,000 l. for writing a letter, in which, it may be said, none saw any scandal or falsehood but the court and jury; for that judgment was afterwards looked upon as a cruel and detestable judgment, and therefore was reversed by parliament. Many more instances might be given of the complaisance of court judges about those times and before; but I will mention only one case more, and that is the case of Sir Edward Hales, who, though a Roman Catholic, was by King James II. preferred to be a colonel of his army, notwithstanding

standing the statute of 25 Cha. II. cap. 2. by which it is provided, That every one that accepts of an office, civil or military, &c. shall take the oaths, subscribe the declaration, and take the sacrament, within three months, &c. otherwise he is disabled to hold such office, and the grant for the same to be null and void, and the party to forfeit 500l. Sir Edward Hales did not take the oaths or sacrament, and was prosecuted for the 500l. for exercising the office of colonel for the space of three months, without conforming as in the act is directed. Sir Edward pleads, That the King, by his letters patent, did dispense with his taking the oaths and sacrament, and subscribing the declaration, and had pardoned the forfeiture of 500l. So, whether the King's dispensation was good against the said act of parliament? was the question. I shall mention no more of this case, than to shew, how in the reign of an arbitrary prince, where judges hold their seats at pleasure, their determinations have not always been such as to make precedents of, but the contrary; and so it happened in this case, where it was solemnly judged, That, notwithstanding this act of parliament, made in the strongest terms, for preservation of the Protestant religion, yet the King had, by his royal prerogative, a power to dispense with that law; and Sir Ed-
ward

ward Hales was acquitted by the judges accordingly. So the King's dispensing power, being by the judges set up above the act of parliament, this law, which the people looked upon as their chief security against Popery and arbitrary power, was, by this judgment, rendered altogether ineffectual. But this judgment is sufficiently exposed by Sir Edward Atkins, late one of the judges of the court of commonpleas, in his Inquiry into the King's Power of dispensing with Penal Statutes, where it is shewn who it was that first invented dispensations; how they came into England; what ill use has been made of them there; and all this principally owing to the countenance given them by the judges. He says of the dispensing power, The Pope was the inventor of it; our kings have borrowed it from them; and the judges have, from time to time, nursed and dressed it up, and given it countenance; and it is still upon the growth, and encroaching, till it has almost subverted all law, and made the regal power absolute, if not dissolute. This seems not only to shew how far judges have been influenced by power, and how little cases of this sort, where the prerogative has been in question in former reigns, are to be relied upon for law: But I think it plainly shews too, that a man may use a greater freedom with the power of his Sovereign

reign and the judges in Great Britain, than it seems he may with the power of a governor in the plantations, who is but a fellow-subject. Are those words with which we are charged like these? Do Mr Zenger's papers contain any such freedoms with his governor, or his council, as Sir Edward Atkins has taken with the regal power, and the judges in England? And yet I never heard of any information brought against him for these freedoms.

If, then, upon the whole, there is so great an uncertainty among judges (learned and great men) in matters of this kind: If power has had so great an influence on judges, how cautious ought we to be in determining by their judgments, especially in the plantations, and in the case of libels? There is heresy in law, as well as in religion, and both have changed very much; and we well know, that it is not two centuries ago, that a man would have been burnt as an heretic for owning such opinions in matters of religion as are publicly wrote and printed at this day. They were fallible men, it seems, and we take the liberty not only to differ from them in religious opinions, but to condemn them and their opinions too; and I must presume, that in taking these freedoms in thinking and speaking about matters of faith or religion,

religion, we are in the right: For, though it is said there are very great liberties of this kind taken in New-York, yet I have heard of no information preferred by Mr Attorney for any offences of this sort. From which I think it is pretty clear, that in New-York a man may make very free with his God, but he must take special care what he says of his governor. It is agreed upon by all men that this is a reign of liberty, and while men keep within the bounds of truth, I hope they may with safety both speak and write their sentiments of the conduct of men in power: I mean of that part of their conduct only which affects the liberty or property of the people under their administration; were this to be denied, then the next step may make them slaves. For what notions can be entertained of slavery, beyond that of suffering the greatest injuries and oppressions, without the liberty of complaining; or if they do, to be destroyed, body and estate, for so doing.

It is said and insisted on by Mr Attorney, That government is a sacred thing; that it is to be supported and revered; it is government that protects our persons and estates; that prevents treasons, murders, robberies, plots, and all the train of evils that overturn king-

doms and states, and ruin particular persons; and if those in the administration, especially the supreme magistrate, must have their conduct censured by private men, government cannot subsist. This is called a licentiousness not to be tolerated. It is said, That it brings the rulers of the people into contempt, and their authority not to be regarded, and so, in the end, the laws cannot be put in execution. These, I say, and such as these, are the general topics insisted upon by men in power, and their advocates. But I wish it might be considered at the same time, how often it has happened, that the abuse of power has been the primary cause of these evils, and that it was the injustice and oppression of these great men which have commonly brought them into contempt with the people. The craft and art of such men are great; and who, that is the least acquainted with history or law, can be ignorant of the specious pretences which have often been made use of by men in power, to introduce arbitrary rule, and destroy the liberties of a free people. I will give two instances; and as they are authorities not to be denied, nor can be misunderstood, I presume they will be sufficient.

The first is the statute of 3d of Henry VII. Cap. 1. The preamble of the statute will
prove

prove all, and more than I have alledged. It begins, "The King our Sovereign Lord remembereth how by unlawful maintenances, giving of liveries, signs and tokens, &c. untrue demeanings of sheriffs in making of panels, and other untrue returns, by taking of money, by injuries, by great riot, and unlawful assemblies, the policy and good rule of this realm is almost subdued; and for the not punishing these inconveniencies, and by occasion of the premisses, little or nothing may be found by inquiry, &c. to the increafe of murders, &c. and unfureties of all men living, and losses of their lands and goods." Here is a fine and specious pretence for introducing the remedy, as it is called, which is provided by this act; that is, instead of being lawfully accused by twenty-four good and lawful men of the neighbourhood, and afterwards tried by twelve alike lawful men, here is a power given to the Lord Chancellor, Lord Treasurer, the keeper of the King's privy seal, or two of them, calling to them a bishop, a temporal lord, and other great men mentioned in the act, (who, it is to be observed, were all to be dependants on the court), to receive information against any person for any of the misbehaviours recited in that act, and by their discretion to examine, and to punish them according to their demerit.

The second statute I propose to mention is the 11th of the same King, cap. 3. the preamble of which act has the like fair pretences as the former; "for the King, calling to his remembrance the good laws made against the receiving of liveries, &c. unlawful extortions, maintenances, embracery, &c. unlawful games, &c. and many other great enormities and offences committed against many good statutes, to the displeasure of Almighty God, which, the act says, could not, nor yet can, be conveniently punished by the due order of the law, except it were first found by twelve men, &c. which, for the causes aforesaid, will not find, nor yet present the truth. And therefore the same statute directs, That the justices of assize, and justices of the peace, shall, upon information for the King before them made, have full power, by their discretion, to hear and determine all such offences." Here are two statutes that are allowed to have given the deepest wound to the liberties of the people of England of any that I remember to have been made, unless it may be said, that the statute made in the time of Henry VIII. by which his proclamations were to have the effect of laws, might in its consequence be worse. And yet we see the plausible pretences found out by the great men to procure these acts. And it may
justly

justly be said, That by those pretences the people of England were cheated or awed into the delivering up their antient and sacred right of trials by grand and petit juries. I hope to be excused for this expression, seeing my Lord Coke calls it an unjust and strange act, that tended in its execution to the great displeasure of Almighty God, and the utter subversion of the common law.

These, I think, make out what I alledged, and are flagrant instances of the influence of men in power, even upon the representatives of a whole kingdom. From all which, I hope it will be agreed, that it is a duty which all good men owe to their country, to guard against the unhappy influence of ill men when intrusted with power, and especially against their creatures and dependants, who, as they are generally more necessitous, are surely more covetous and cruel. But it is worthy of observation, that though the spirit of liberty was borne down and oppressed in England at that time, yet it was not lost; for the parliament laid hold of the first opportunity to free the subject from the many insufferable oppressions and outrages committed upon their persons and estates under colour of these acts, the last of which being deemed the

most grievous, was repealed in the first year of Henry VIII. Though it is to be observed, that Henry VII. and his creatures reaped such great advantages by their grievous oppressions and exactions, grinding the faces of the poor subjects, as my Lord Coke says, under colour of this statute, by information only, that a repeal of this act could never be obtained during the life of that prince. The other statute being the favourite law for supporting arbitrary power, was continued much longer. The execution of it was by the great men of the realm; and how they executed it, the sense of the kingdom, expressed in the 17th of Charles I. will best declare. In that statute *Magna Charta*, and the other statutes made in the time of Edward III. which, I think, are no less than five, are particularly enumerated as acts by which the liberties and privileges of the people of England were secured to them, against such oppressive courts as the Star Chamber, and others of the like jurisdiction. And the reason assigned for their pulling down the Star Chamber is, That the proceedings, censures and decrees of the court of Star Chamber, even tho' the great men of the realm, nay, and a bishop too (a holy man), were judges, had by experience been found to be an intolerable burden on the subject, and the means of introducing an arbitra-

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ry power and government: And therefore that court was taken away, with all the other courts in that statute mentioned, having like jurisdiction.

I don't mention this statute, as if by the taking away the court of Star Chamber, the remedy for many of the abuses or offences censured there, was likewise taken away; no, I only intend by it to shew, that the people of England saw clearly the danger of trusting their liberties and properties to be tried, even by the greatest men in the kingdom, without the judgment of a jury of their equals. They had felt the terrible effects of leaving it to the judgment of these great men to say what was scandalous and seditious, false or ironical. And if the parliament of England thought this power of judging was too great to be trusted with men of the first rank in the kingdom, without the aid of a jury, how sacred soever their characters might be, and therefore restored to the people their original right of trial by juries, I hope to be excused for insisting, that by the judgment of a parliament, from whence no appeal lies, the jury are the proper judges, of what is false at least, if not of what is scandalous and seditious. This is an authority not to be denied; it is as plain as it is great, and to say that this act indeed did restore to the people

people trials by juries, which was not the practice of the Star Chamber, but that did not give the jurors any new authority, or any right to try matters of law, I say this objection will not avail; for I must insist, that where matter of law is complicated with matter of fact, the jury have a right to determine both. As for instance, upon indictment for murder, the jury may, and almost constantly do, take upon them to judge whether the evidence will amount to murder or manslaughter, and find accordingly; and I must say, I cannot see why, in our case, the jury have not at least as good a right to say, whether our news-papers are a libel or no libel, as another jury has to say, whether killing of a man is murder or manslaughter. The right of the jury to find such a verdict as they in their conscience do think is agreeable to their evidence, is supported by the authority of *Bushel's case*, in *Vaughan's Reports*, page 135. beyond any doubt. For, in the argument of that case, the chief justice, who delivered the opinion of the court, lays it down for law, that in all general issues, as upon *non cul.* in trespass, *non tort. nul. disseizin* in assize, &c. though it is matter of law, whether the defendant is a trespasser, a disseizer, &c. in the particular cases in issue, yet the jury find not (as in a special verdict) the fact of every case, leaving the law
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to the court ; but find for the plaintiff or defendant upon the issue to be tried, wherein they resolve both law and fact complexly. It appears by the same case, that though the discreet and lawful assistance of the judge, by way of advice to the jury, may be useful, yet that advice or direction ought always to be upon supposition, and not positive, or upon coercion. The reason given in the same book is, because the judge (as judge) cannot know what the evidence is which the jury have, that is, he can only know the evidence given in court ; but the evidence which the jury have may be of their own knowledge, as they are returned from the neighbourhood. They may also know from their own knowledge, that what is sworn in court is not true ; and they may know the witnesses deserve to be stigmatized, to which the court may be strangers. But what is for my purpose is, that suppose the court did really know all the evidence which the jury know, yet in that case it is agreed, that the judge and jury may differ in the result of this evidence as well as two judges may, which often happens. And in page 148. the judge subjoins the reason, why it is no crime for a jury to differ in opinion from the court, where he says, That a man cannot see with another's eye, nor hear by another's ear ; no more can a man conclude or infer any thing by another's
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understanding or reasoning. From all which, I insist it is very plain, that the jury are by law at liberty (without any affront to the judgment of the court) to find both the law and the fact, in our case, as they did in the case I am speaking of, which I will beg leave just to mention, and it was this: Messrs Penn and Mead being quakers, and having met in a peaceable manner, after being shut out of their meeting-house, preached in Grace-Church-Street in London to the people of their own persuasion, and for this they were indicted; and it was said, That they, with other persons, to the number of 300, unlawfully and tumultuously assembled, to the disturbance of the peace, &c. To which they pleaded, Not Guilty. And the petit jury being sworn to try the issue between the King and the prisoners, that is, whether they were guilty according to the form of the indictment? Here there was no dispute but they were assembled together to the number mentioned in the indictment; but, Whether that meeting together was riotously, tumultuously, and to the disturbance of the peace? was the question. And the court told the jury it was, and ordered the jury to find it so: For (said the court) the meeting was the matter of fact, and that is confessed; and we tell you it is unlawful, for it is against the statute; and the meeting being unlawful,

lawful, it follows of course that it was tumultuous, and to the disturbance of the peace. But the jury did not think fit to take the court's word for it; for they could neither find riot, tumult, or any thing tending to the breach of the peace committed at that meeting; and they acquitted Messrs Penn and Mead. In doing of which they took upon them to judge both the law and the fact, at which the court (being themselves true courtiers) was so much offended, that they fined the jury 40 merks a-piece, and committed them till paid. But Mr Bushel, who valued the right of a jury-man and the liberty of his country more than his own, refused to pay the fine, and was resolved (though at a great expence and trouble too) to bring, and did bring, his *habeas corpus* to be relieved from his fine and imprisonment, and he was released accordingly; and this being the judgment in his case, it is established for law, That the judges, how great soever they may be, have no right to fine, imprison, or punish a jury, for not finding a verdict according to the direction of the court. And this I hope is sufficient to prove, that jury-men are to see with their own eyes, to hear with their own ears, and to make use of their own consciences and understandings, in judging of the lives, liberties or estates of their fellow-subjects. And so I have done with this point.

This

This is the second information for libelling of a governor that I have known in America. As to the first, though it may look like a romance, yet as it is true, I will beg leave to mention it. Governor Nicholson, who happened to be offended with one of his clergy, met him one day upon the road, and, as was usual with him (under the protection of his commission), used the poor parson with the worst of language, threatened to cut off his ears, slit his nose, and at last to shoot him through the head. The parson being a reverend man, continued all this time uncovered in the heat of the sun, until he found an opportunity to fly for it; and coming to a neighbour's house, felt himself very ill of a fever, and immediately writes for a doctor; and that his physician might the better judge of his distemper, he acquainted him with the usage he had received, concluding that the governor was certainly mad, for that no man in his senses would have behaved in that manner. The doctor unhappily shows the parson's letter; the governor came to hear of it; and so an information was preferred against the poor man for saying, He believed the governor was mad; and it was laid in the information to be false, scandalous and wicked, and wrote with intent to move sedition among the people, and bring his Excellency into contempt. But by an order from the
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late Queen Anne, there was a stop put to that prosecution, with sundry others set on foot by the same governor, against gentlemen of the greatest worth and honour in that government.

If a libel is understood in the large and unlimited sense urged by Mr Attorney, there is scarce a writing I know that may not be called a libel, or scarce any person safe from being called to account as a libeller: For Moses, meek as he was, libelled Cain; and who is it that has not libelled the devil? For according to Mr Attorney, it is no justification to say one has a bad name. Echard has libelled our good King William; Burnet has libelled, among many others, King Charles and King James; and Rapin has libelled them all. How must a man speak or write? or what must he hear, read, or sing? or when must he laugh, so as to be secure from being taken up as a libeller? I sincerely believe, that were some persons to go through the streets of New York now-a-days, and read a part of the Bible, if it was not known to be such, Mr Attorney, with the help of his *innuendoes*, would easily turn it into a libel. As for instance, *Isa. ix. 16. The leaders of the people cause them to err, and they that are led by them are destroyed.* But should Mr Attorney go about to make this a

libel, he would read it thus : *The leaders of the people* [innuendo, the governor and council of New York] *cause them* [innuendo, the people of this province] *to err, and they* [the people] *that are led by them* [by the governor and council meaning] *are destroyed* [innuendo, are deceived into the loss of their liberty, which is the worst kind of destruction.] Or if some persons should publicly repeat, in a manner not pleasing to his betters, the 10th and 11th verses of the lvi. chapter of the same book, there Mr Attorney would have a large field to display his skill, in the artful application of his *innuendoes*. The words are, *His watchmen are all blind, they are ignorant, &c. Yea, they are greedy dogs, that can never have enough.* But to make them a libel, there is, according to Mr Attorney's doctrine, no more wanting but the aid of his skill in the right adapting his *innuendoes*. As for instance, *His watchmen* [innuendo, the governor's council and assembly] *are blind, they are ignorant,* [innuendo, will not see the dangerous designs of his Excellency] *Yea, they* [the governor and council meaning] *are greedy dogs, that can never have enough* [innuendo, enough of riches and power.] Such an instance as this seems only fit to be laughed at ; but I may appeal to Mr Attorney himself, whether these are not at least equally proper to be applied to his Excellency and his ministers, as some of the in-
ferences

ferences and *innuendoes* in his Information against my client. Then, if Mr Attorney is at liberty to come into court, and file an information in the King's name, without leave, who is secure whom he is pleased to prosecute as a libeller? And as the crown law is contended for in bad times, there is no remedy for the greatest oppression of this sort, even though the party prosecuted is acquitted with honour. And give me leave to say, as great men as any in Britain have boldly asserted, that the mode of prosecuting by information (when a grand jury will not find *billa vera*) is a national grievance, and greatly inconsistent with that freedom which the subjects of England enjoy in most other cases. But if we are so unhappy as not to be able to ward off this stroke of power directly, yet let us take care not to be cheated out of our liberties by forms and appearances; let us always be sure that the charge in the information is made out clearly, even beyond a doubt; for though matters in the information may be called *form* upon trial, yet they may be, and often have been found to be *matters of substance* upon giving judgment.—He then addressed the jury thus:

Gentlemen, The danger is great, in proportion to the mischief that may happen, through our too great credulity. A proper confidence in

a court is commendable; but as the verdict (whatever it is) will be your's, you ought to refer no part of your duty to the discretion of other persons. If you should be of opinion, that there is no falsehood in Mr Zenger's papers, you will, nay, (pardon me for the expression) you ought to say so; because you don't know whether others (I mean the court) may be of that opinion. It is your right to do so, and there is much depending upon your resolution, as well as upon your integrity.

The loss of liberty to a generous mind is worse than death; and yet we know there have been those in all ages, who, for the sake of preferment, or some imaginary honour, have freely lent a helping hand to oppress, nay, to destroy their country. This brings to my mind that saying of the immortal Brutus, when he looked upon the creatures of Cæsar, who were great men, but by no means good men: "You Romans, said Brutus, if yet I may call you so, consider what you are doing; remember that you are assisting Cæsar to forge those very chains which one day he will make yourselves wear." That is what every man that values freedom ought to consider: He should act by judgment, and not by affection or self-interest; for, where those prevail, no ties of either country

try or kindred are regarded; as upon the other hand, the man who loves his country prefers its liberty to all other considerations, well knowing that without liberty life is a misery.

A famous instance of this you will find in the history of another brave Roman of the same name; I mean Lucius Junius Brutus, whose story is well known; and therefore I shall mention no more of it, than only to shew the value he put upon the freedom of his country. After this great man, with his fellow-citizens whom he had engaged in the cause, had banished Tarquin the Proud, the last king of Rome, from a throne he had ascended by inhuman murders, and possessed by the most dreadful tyranny and proscriptions, and had, by this means, amassed incredible riches, even sufficient to bribe to his interest many of the young nobility of Rome, to assist him in recovering the crown; but the plot being discovered, the principal conspirators were apprehended, among whom were two of the sons of Junius Brutus. It was absolutely necessary that some should be made examples of, to deter others from attempting the restoring of Tarquin, and destroying the liberty of Rome. And to effect this it was, that Lucius Junius Brutus, one of the consuls of Rome, in the presence of the Roman people, sat judge and condemned his

own sons, as traitors to their country : And to give the last proof of his exalted virtue, and his love of liberty, he, with a firmness of mind only becoming so great a man, caused their heads to be struck off in his own presence ; and when he observed that his rigid virtue occasioned a sort of horror among the people, it is observed he only said, “ My fellow-citizens, do not think that this proceeds from any want of natural affection ; No, the death of the sons of Brutus can affect Brutus only ; but the loss of liberty will affect my country.” Thus highly was liberty esteemed in those days, that a father could sacrifice his sons to save his country.—But why do I go to heathen Rome to bring instances of the love of liberty ; the best blood in Britain has been shed in the cause of liberty : And the freedom we enjoy at this day may be said to be (in a great measure) owing to the glorious stand the famous Hampden, and others of our countrymen, made against the arbitrary demands and illegal impositions of the times in which they lived ; who, rather than give up the rights of Englishmen, and submit to pay an illegal tax, of no more, I think, than three shillings, resolved to undergo, and for the liberty of their country did undergo the greatest extremities, in that arbitrary and terrible court of Star-Chamber, to whose arbitrary proceedings

ings (it being composed of the principal men of the realm, and calculated to support arbitrary government), no bounds or limits could be set, nor could any other hand remove the evil but a parliament.

Power may justly be compared to a great river ; while kept within its due bounds, it is both beautiful and useful ; but when it overflows its banks, it is then too impetuous to be stemmed ; it bears down all before it, and brings destruction and desolation wherever it comes. If then this is the nature of power, let us at least do our duty, and, like wise men who value freedom, use our utmost care to support liberty, the only bulwark against lawless power, which, in all ages, has sacrificed to its wild lust and boundless ambition the blood of the best men that ever lived.

I hope to be pardoned, Sir, for my zeal upon this occasion : It is an old and wise caution, *That when our neighbour's house is on fire, we ought to take care of our own.* For though, (blessed be God !) I live in a government where liberty is well understood, and freely enjoyed, yet experience has shewn us all (I'm sure it has to me), that a bad precedent in one government is soon set up for an authority in another ; and therefore

therefore I cannot but think it mine, and every honest man's duty, that, while we pay all due obedience to men in authority, we ought at the same time to be upon our guard against power, wherever we apprehend that it may affect ourselves or our fellow-subjects.

I am truly very unequal to such an undertaking on many accounts. And you see I labour under the weight of many years, and am borne down with great infirmities of body; yet old and weak as I am, I should think it my duty, if required, to go to the utmost part of the land, where my service could be of any use in assisting to quench the flame of prosecutions upon informations, set on foot by the government, to deprive a people of the right of remonstrating (and complaining too) of the arbitrary attempts of men in power. Men who injure and oppress the people under their administration, provoke them to cry out and complain; and then make that very complaint the foundation for new oppressions and prosecutions. I wish I could say there were no instances of this kind. But to conclude: the question before the court and you, Gentlemen of the Jury, is not of small nor private concern; it is not the cause of a poor printer, nor of New-York alone, which you are now trying: No; it may in its consequences affect

affect every freeman that lives under a British government on the main of America. It is the best cause; it is the cause of liberty; and I make no doubt but your upright conduct, this day, will not only intitle you to the love and esteem of your fellow-citizens, but every man, who prefers freedom to a life of slavery, will bless and honour you, as men who have baffled the attempts of tyranny; and, by an impartial and uncorrupt verdict, have laid a noble foundation for securing to ourselves, our posterity, and our neighbours, that to which Nature and the laws of our country have given us a right,—the liberty—both of exposing and opposing arbitrary power (in these parts of the world at least), by speaking and writing truth.

Here Mr Attorney observed, that Mr Hamilton had gone very much out of the way, and had made himself and the people very merry; but that he had been citing cases not at all to the purpose: He said, there was no such cause as Mr Bushel's or Sir Edward Hales' before the court; and he could not find out what the court or jury had to do with dispensations, riots, or unlawful assemblies: All that the jury had to consider of, was Mr Zenger's printing and publishing two scandalous libels, which very highly reflected on his excellency
and

and the principal men concerned in the administration of this government, which was confessed: [That is, the printing and publishing of the Journal set forth in the information was confessed.] And concluded, that as Mr Hamilton had confessed the printing, and there could be no doubt but they were scandalous papers, highly reflecting upon his excellency and the principal magistrates in the province. And therefore he made no doubt but the jury would find the defendant guilty, and would refer to the court for their direction.

Mr Chief Justice then addressed the jury thus: The great pains Mr Hamilton has taken to shew how little regard juries are to pay to the opinion of the judges, and his insisting so much upon the conduct of some judges in trials of this kind, is done, no doubt, with a design that you should take but very little notice of what I may say upon this occasion. I shall therefore only observe to you, that as the facts or words in the information are confessed, the only thing that can come in question before you is, Whether the words, as set forth in the information, make a libel? And that is a matter of law, no doubt, and which you may leave to the court. But I shall trouble you no further with any thing more of my own, but read to
you.

you the words of a learned and upright judge* in a case of the like nature :

“ To say that corrupt officers are appointed to administer affairs, is certainly a reflection on the government. If people should not be called to an account for possessing the people with an ill opinion of government, no government can subsist. For it is very necessary for all governments, that the people should have a good opinion of it. And nothing can be worse to any government, than to endeavour to procure animosities as to the management of it; this has been always looked upon as a crime, and no government can be safe without it be punished.”

Now, you are to consider, whether these words I have read to you do not tend to begot an ill opinion of the administration of the government? To tell us, that those that are employed know nothing of the matter, and those that do know are not employed. Men are not adapted to offices, but offices to men, out of a particular regard to their interest, and not to their fitness for the places; this is the purport of these papers.

* *Chief Justice Holt in Tutchin's Case.*

Mr

Mr Hamilton replied, I humbly beg your honour's pardon ; I am very much misapprehended, if you suppose what I said was so designed.—Sir, you know, I made an apology for the freedom I found myself under a necessity of using upon this occasion. I said, there was nothing personal designed ; it arose from the nature of our defence.

The jury then withdrew, and in a short time returned, and being asked by the clerk, Whether they were agreed of their verdict, and whether John Peter Zenger was guilty of printing and publishing the libel as mentioned in the Information ? They answered by Thomas Hunt, their foreman, *Not Guilty*. Upon which there were three huzzas in the hall, which was crowded with people, and the next day he was discharged from his imprisonment.

A few weeks after the trial, as a public testimony of their approbation, a common-council was held at the city-hall of New-York, wherein the freedom of the said corporation was ordained to be presented to Andrew Hamilton, Esq; of Philadelphia, barrister at law, a draught of which was ordered to be made by three of the aldermen, and reported to the court at next meeting.

meeting.—The copy and report were in these words:

City of New-York.

PAUL RICHARDS, Esq; the recorder, aldermen, and assistants of the city of New-York, convened in common council, to all to whom these presents shall come, greeting: Whereas, honour is the just reward of virtue, and public benefits demand a public acknowledgment: We therefore, under a grateful sense of the remarkable service done to the inhabitants of this city and colony, by Andrew Hamilton, Esq; of Pennsylvania, barrister at law, by his learned and generous defence of the rights of mankind and the liberties of the press, in the case of John Peter Zenger, lately tried on an information exhibited in the supreme court of this colony, do, by these presents, bear to the said Andrew Hamilton, Esq; the public thanks of the freemen of this corporation for that signal service, which he cheerfully undertook, under great indisposition of body, and generously performed, refusing any fee or reward: And in testimony of our great esteem for his person, and sense of his merit, do hereby present him with the freedom of this corporation. These are therefore to certify and declare, that the said Andrew Hamilton, Esq; is hereby ad-

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mitted, received, and allowed a freeman and citizen of the said city: To have, hold, enjoy, and partake of all the benefits, privileges, freedoms, and immunities whatsoever, granted or belonging to a freeman and citizen of the same city. In testimony whereof, the council of the said city, in common council assembled, have caused the seal of the said city to be hereunto affixed this twenty-ninth day of September, *anno Domini* One thousand seven hundred and thirty-five.

By order of the common council,
William Sharpas, clerk.

And we do further report, that sundry of the members of this corporation and gentlemen of this city have voluntarily contributed sufficient for a gold box of five ounces and a half, for inclosing the seal of the said freedom; upon the lid of which, we are of opinion should be engraved the arms of the city of New-York: Witness our hands this twenty-ninth day of September, 1735.

Stephen Bayard.

Simon Johnson.

Christopher Fell.

The freedom was accordingly made out, with the seal of the city affixed to it, and inclosed

closed in a gold box, as ordered. Round the lid of the box was engraven, not only the arms of the city, but also in a garter this motto,

DEMERSÆ LEGES, TIMEFACTA LIBERTAS,
HÆC TANDEM EMERGUNT.

On the inside of the lid, fronting the certificate of the freedom, were engraven in a flying garter, these words,

NON NUMMIS, VIRTUTE PARATUR.

And on the front of the rim of said box was engraven part of Tully's wish,

ITA CUIQUE EVENIAT UT DE REPUBLICA MER-
RUIT.

This freedom and box was accordingly presented at Philadelphia, by Mr Alderman Bayard of New-York, and gratefully accepted by Andrew Hamilton, Esq;

I have indeed exceeded the bounds I had prescribed for myself in my extracts from this pamphlet, but I could not with propriety abridge them without diminishing the arguments used by the American counsel for circumscribing the power, and restraining the authority of their governors, even at that time. Nothing can give a more convincing specimen of that spirit of freedom and independence which prevailed

through the colonies, than Hamilton's mode of reasoning in this trial ; nor a more distinguishing mark of approbation and esteem than what the council conferred on him on that occasion. Had the accusation or complaint proceeded upon any other foundation, if it was laid at the instance of the governor or any subordinate officer, it is perfectly clear, that the defence would have breathed the same air of defiance and contempt against every person in power, of whatever rank or degree. So strongly rivetted were the animosity and aversion of the provincials to all the measures of government, whereby either their persons or property were affected, that, even at that period, they were firmly resolved to oppose their governors in the execution of that part of their office wherein either of these were concerned. Nor was it simply opposition ; for they did not conceal their sentiments of the character and designs of the governor, but expressed them in the plainest language to his face ; and gave him to understand, that they would not be governed by an oppressor or a tyrant ; so that, for the good and peace of the province under his administration, and especially for the interest of the mother country, it was the duty of a governor to render himself agreeable to all ranks of people under his jurisdiction, by which means he might often accomplish purposes of national advantage.

tage, in which he would otherwise be baffled. But the lust of power is so intoxicating, and has such an ascendancy even over men of abilities and wisdom, that it often gets the better of their prudence, and prompts them to exertions of authority incompatible with their office, and inconsistent with the interest either of the parent or the child. This has been the case of too many of our governors in the American colonies, for which Great Britain is smarting severely at this day.—But I shall enlarge no further on this than just to observe, that the extract I have given (which I am certain will be new to all my readers), is one of the oldest instances in proof of the Americans anxiously striving to be governed by their own laws, and not by any of those fabricated for them in Great Britain.

I shall now make a few observations on some advantages which the Americans acquired with respect to trade, at a period somewhat later than that just mentioned.

At the latter end of Sir Robert Walpole's administration, in the year 1739, the *Patriotic* party, headed by Sir John Bernard, a very worthy man, but who undoubtedly had been imposed upon, played the same game which our present *Patriots* are attempting, though,

I trust, then with better success. They forced the minister to break through the act of navigation, and to allow the Americans to export their *enumerated goods*, as they were pleased to call them, *viz.* all their *rice, wheat, barley, Indian corn*, and all sorts of *corns, fish, &c. &c.* to any port in Europe south of Cape Finisterre. Before that period, trade was carried on with peace and quietness, and a certain profit accrued to Great Britain, as well as great advantages to America. But no sooner was this door opened than the Americans commenced smugglers. It pointed out a way for them to throw off, as far as they could, all connection in trade with the mother-country, whose fleets, at the same time, were their protection. With the British flag flying, and their Mediterranean pass in their cabins, to screen them from all the piratical states, they carried on trade with more safety than any other nation in Europe. But, says this *grateful* people, we are not to pay any proportion of the expence necessary for the support of that fleet, that Gibraltar, and that Port Mahon, which afford us this protection. Let Old England, and poor Scotland, pay for our safety; but let us reap the profits of their trade and commerce.

The

The British trade in the Mediterranean, before the 1739, when the *Patriotic* plan above-mentioned took place, was much more extensive than ever it has been since. The cause is obvious. The corn and fish trade alone were great articles in point of freight, and gave bread to our own sailors, whom we can always depend upon for manning our fleets. Can we trust to the Americans for this necessary supply? No: We now see, that in place of helping to support the British navy, they are crowding to assist those of France and Spain, in hopes of destroying their old protectors. If these turbulent Americans shall be reduced to their obedience to the mother-country, (for effecting which I have given a pretty probable plan), let them be put on the same footing with regard to trade on which they formerly were. Let their exports and imports be through the channel of Great Britain, Ireland, and our West India settlements; then, and not till then, will they pay us for what they take. For many years past they have taken our goods, turned them into money, and with that money gone to Holland, Hamburgh, France, and other countries, where they purchase their manufactures, while they allow ours to remain unpaid. Were these matters properly adjusted, and a settlement of the present differences effected,

effected, in a manner suitable to the honour and dignity of Great Britain, Scotland might carry on a trade with America, advantageous to both countries.

We could furnish them with osnaburghs, checks, coarse linens, at or under 14 d. *per* yard, handkerchiefs, and common calicoes, on as good terms as they could be supplied with them from the continent ; for the reasons I have given in a former part of this work, we cannot indeed compare with these in the finer sorts of linen.

All sorts of woollen goods we can unquestionably furnish them on better terms than any other country in Europe ; with cloths from the coarsest flannel to the finest superfine ; with hats, from 10 d. to 30 s. a-piece ; with stockings, from 6 d. to 10 s. the pair ; and, with every other article in the woollen branch proportionally cheap.

Shoes, and every thing made from leather, we are acknowledged to be equally expert in with the manufacturers of any other country, and can afford to sell them at as low price.

Chimney grates we stand unrivalled in ; nor, I believe, will any other nation compete with us in any wares manufactured from iron.

As

As I find a confirmation of the plan I formerly proposed for reducing the rebel Americans, if not to a sense of their duty, at least to a necessity of submitting to the British government under the risk of total ruin, if properly put in execution, finely described in a late letter from a loyalist in Philadelphia to his friend in New-York, I shall subjoin a copy of it without further preamble.

Extract of a Letter from a Loyalist in Philadelphia, to his Friend in New York, dated May 6. 1779.

“YOU are surely the kindest and most humane of enemies. Whenever we are *most distressed*, and see no hope of relief, you generously contrive to succour us. As the people of Boston were in great want of provisions, but had two or three stout frigates and armed vessels ready to put to sea, you kindly sent your fleet to Georgia without any convoy but a privateer, who was scarcely able to cope with the weakest of the Boston armament : So that all the provisions, military stores, European goods, &c. &c. so much wanted in Georgia, are gone to supply an enemy who is so ungrateful as to laugh at you for your folly, though their distress must

must have been extreme, had you acted according to the dictates of common prudence.

“In the middle and southern *states*, there was likewise a great want of European and West India commodities. You, therefore, out of pure compassion (we must suppose), called off all your King’s ships which were cruising on our coast, just at the time that our supplies were expected to come on it; in consequence of which, the *Dean* frigate has got safe into the Delaware with seven sail of merchantmen, and another fleet of the same kind is arrived in the Chesapeak, from the French and Dutch islands, supplying us with almost every thing we wanted. Our merchants and farmers, who were before in the lowest fit of despondency, are now in high spirits; and the vessels, which had before been laid up, are now ordered to be fitted for sea, and trade seems once more likely to raise its drooping head.—The spirit of privateering, which had subsided, is likewise revived by the success of the Boston cruisers, and the safe arrival of the West India fleets; so that we shall be able, in a short time, to return the compliment which the New York privateers have paid our trade for some time past. In the name of God! Do you never intend to grow wise? It is inconceivable what ill effects such kind
of

of conduct has on the minds of the friends of government. They are puzzled beyond measure to account for these transactions. Some look upon you to be in a state of infatuation; others think that it is impossible such repeated instances of mismanagement can be owing to mere accident or inattention. It has too much the appearance of premeditated design. Was it necessary for your Admiral to take home with him three or four frigates, when they were so much wanted on this station? Could they not have remained till they were relieved by others from England, or could they not in their way have seen the Georgia fleet safe into the Savannah? It would have made but a few days odds, and the Admiral would have had as good a chance of taking prizes (if that was his object) in that course as in any other. Your fleet have never been properly stationed for destroying our trade since the first commencement of hostilities to this day. By cruising off at a distance from the coast, it is true, they take a great many prizes, but it is as true that a great many vessels by that means make their escape, and go in and out of our principal harbours without molestation. Were ships stationed in or near the principal bays and harbours, while others cruised along shore from one harbour to another, scarcely any thing could escape. But this
would

would put an end to our trade, and where there is no trade there can be no prizes. It is therefore more for the advantage of your cruisers that some of our vessels should get in safe, as by coming to a good market, we are encouraged to venture again, and others to follow the example. We are by this means likewise encouraged to fit out privateers, who taking British vessels, it adds to the advantage of the British cruisers, as they often retake them, and are paid salvage. But this profit to individuals must be detrimental to the British nation, who are at a great expence in supporting a war which might have been ended long ago, had our trade been ruined, or as much so as might have been easily done with half the naval force that has been kept up in America since the commencement of hostilities. The march of an army through a country ruins that part perhaps where it passes, without much affecting the people at a distance ; but when you destroy or put a stop to the trade of a country, you affect the whole community, and those who live at a distance from the seat of trade often suffer the most."

It is high time indeed for Great Britain to rouse herself, and to raise her navigation to the highest pitch ; by which alone she can be enabled to vanquish all her enemies. Her navy is not
only

only an invincible bulwark against an invasion by the strongest powers in Europe, but she can transport these floating batteries to the utmost corners of the globe ; and when under the conduct and direction of able and experienced commanders, they must conquer wherever they go. Never was the British fleet in such high trim as at present, and never did the spirit of a free people exert itself in so liberal and generous a manner for the support of government, and the destruction of the common enemy, as at this period. But while all ranks are united in promoting the success of this great national cause, let us not blunder in the most essential articles : Let us be blessed with men of abilities, of resolution, of honour, in all the different departments of government : Let our Generals and Admirals be men of distinguished courage, knowledge and experience, and the whole inferior officers of one heart and one soul ; then, and then only, may we rely, under Providence, on the infallible success of every plan, even the most arduous.

As our sailors in the commercial line are now wholly consigned to the naval department, let them be well used, and not shut up in the holds of tenders like prisoners, where disease will do more execution than an enemy. Let

them have proper and wholesome victuals, which are well paid for by the public, and let not their officers exercise severe discipline without great provocation. They are to risk their lives for the liberties and properties of their fellow-subjects, and are to fight for the honour of their King and country, and therefore ought to be regarded as the protectors of both. The late great increase of the naval power of Great Britain is beyond example, and, if intrusted to the conduct of proper commanders, is capable of clearing the sea of every enemy from Hancock's *Mifflin* privateer to d'Orvilliers' *La Bretagne*. But should our admirals differ among themselves, and, from an ill-timed spirit of envy and jealousy, counteract one another, then shall we hear again of the 27th of July 1778, and of a number of valuable lives sacrificed at a drawn battle, to the utter disgrace of the nation, the fleet, and the commanders. The consequence of this unfortunate squabble is but too well known, and too generally felt, and I hope, for the honour of Britain, will never be imitated by any succeeding admiral. We have just now as able naval commanders as a Russel, a Shovel, a Hawke, or a Boscawen, men whose names will be transmitted to latest posterity with renown in the naval history of Britain; and should these, on a trying occasion, but maintain the characters

characters they have formerly very justly acquired, we can have no doubt but they will make the Houses of Bourbon, though united, heartily repent of their perfidy and their folly. The commander in chief of the grand fleet, Sir Charles Hardy, was created a vice-admiral in 1744, which is a proof that he had been early in the service, and soon advanced, no doubt, on account of his distinguishing himself when very young. Besides Admiral Sir John Lockhart Ross, whose coolness and intrepidity in time of action every body has heard of, there are twelve or thirteen Scots commanders in the same fleet, who, I am bold to say, will not turn their stern to an enemy in the day of battle, without very cogent reasons: So that, should any miscarriage happen in an engagement with the combined fleets of France and Spain, however formidable they may be painted, it must be imputed to some unforeseen cause, or to the gross misconduct of the commander in chief, or cowardice or disobedience of the other commanders, who, if convicted by a court martial, ought, for the honour of the profession, to undergo the punishment of a Byng. But this, without the interposition of an adverse providence, cannot happen, as God forbid it should!

If the enemy shall have the resolution to hazard an engagement, I have no apprehen-

sion but the issue of it will turn out much to the honour of the British flag, and that the Monsieurs and Dons will be heartily drubbed ; but as they have a great many American tars in both their fleets, who are excellent sailors, the commanders ought to make it a rule to incorporate a number of them, out of every ship they shall take, with their own crews, by which means they may supply several capital ships that are imperfectly manned with their full complement, and especially such vessels as may have suffered any considerable loss of men in the engagement. This regulation I would observe in every capture made by our privateers and letters of marque ; so that we could never want a great addition of good seamen to all the ships in the service. This would be a much more eligible method than confining them in prisons, and maintaining them at a great expence, without reaping the least benefit from their service, to which, if they did not chearfully agree, we could oblige them to submit. If a cartel should be settled betwixt us and any of the powers at war with us, we would still have it in our power to make an equal exchange, by which we would recover a great number of our own sailors ; so that in any event we must be considerable gainers.

On

On the whole, as we must still look upon the Americans as British subjects, however far they may have been misled by designing people, we have a claim to their service while they are in our power. The advantages they flatter themselves they shall reap from their new allies will probably hasten their ruin ; and however much they may plume themselves on a free trade with these foreign powers, they will find, to their cost, that their commerce will dwindle, and be reduced almost to nothing ; and that in place of their being Independent States, they will become slaves to an absolute and despotic monarch. But if they shall be wise enough to see with their own eyes, and consider the danger they expose themselves to by their obstinacy, and to balance their true interest with the hazards they run, they will not hesitate speedily to quit an alliance they have rashly and imprudently entered into, and court the friendship, and solicit the protection of their original and natural ally, the mother-country. Should they adopt these happy sentiments, that indulgent mother would yet pardon these disobedient children, and, while they continued dutiful, stretch out her arms to defend them against all the powers of Europe, and enrich them with blessings and comforts to which they have long

been utter strangers.—If this happy and desirable change should soon come to pass, which is my fervent wish, I may probably, on a future occasion, point out a line of commerce with that quarter, never hitherto suggested, and which will greatly redound to the interest of Scotland.

ADDENDUM.

A D D E N D U M.

IN my tour to Dunbar the following particulars were omitted, Vol. II. p. 242.—After holding the court with the herring skippers, and settling several necessary regulations with respect to that fishery, I attended an examination of the three public schools, in which the following branches of education are taught to perfection, viz. Latin, English, Arithmetic, and Mathematics. The rough language of the tars sounded still in my ears, and afforded a very curious contrast to the mild and puerile voices of the young lads under trial. The Latin is taught by Mr Dick, and I was told by good judges, (for I pretend to no knowledge of that language myself), that the scholars did great credit to their master. Those who were taught English by Mr Waterfon gave an excellent specimen of his merit and their proficiency ; but Mr Gibson, teacher of Mathematics, afforded a most conspicuous proof of his abilities, by the precision and clearness of his manner in stating the questions

sions which he put to his scholars; and their correct and spirited answers to his propositions, and their clear demonstrations of his problems, afforded the highest satisfaction to a numerous audience.—And here I must notice in a particular manner the singular proficiency of a young man of the name of Rannie. He was intended for a mill-wright, and was breeding to that business under the famous Mr Mackell at Linton, East Lothian. He had not then attended Mr Gibson for the Mathematics, &c. much more than six months; but on his examination, he discovered such amazing powers of genius, that one would have imagined him a second Newton. No problem was too hard for him to demonstrate. With a clear head, a decent address, and a distinct delivery, his master could not propose a question either in natural or experimental philosophy, to which he gave not a clear and ready solution, and also the reasons of the connection between causes and effects, the power of gravitation, &c. in a masterly and convincing manner; so that every person present admired such an uncommon stock of knowledge amassed at his time of life. If this young man is spared, and continues to prosecute his studies, he will do great honour to his country.

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